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ABSTRACT

These appendixes to the final report of the evaluation of eight Law Enforcement Assistance Administration (LEAA)-funded courts training institutes contain individual case studies, survey instruments, a manual for conducting an ongoing evaluation, and a discussion of training and its evaluation. The twelve case studies presented in the first appendix include summaries of major findings and information on major changes and trends in the given jurisdiction, the incidence and impact of training in the jurisdiction, the nature of the area, court jurisdictions, the appellate and trial courts and training, and the prosecutor and defender systems. A participant interview, a comparison interview, a supervisor/peer interview, a board of directors interview, and an instructor questionnaire are provided in the second appendix. The third appendix consists of a manual for conducting LEAA courts training program evaluations. Topics covered in the manual include determining data needs, visiting training sites, designing data collection materials, and data collection procedures. Various interview and evaluation forms and check lists are provided. Literature, concepts, and methods pertaining to training and its evaluation are discussed in the fourth appendix. Bibliographies contain 116 citations. (The evaluation report is available through ERIC-- see note.) (MN)

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Evaluation of LEAA Funded Courts Training Programs

Volume II

Prepared for:

**Adjudication Division
Office of Criminal Justice Programs
Law Enforcement Assistance Administration
U.S. Department of Justice**

Prepared by:

**McManis Associates, Inc.
Management and Research Consultants**

**U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION**

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APPENDIX A
CASE STUDIES

CASE STUDY NUMBER 1

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INTRODUCTION

This case study presents findings of the site visit to a large metropolitan area in Northeastern United States. It provides background on the court system and gives insight to the incidence of training within the jurisdiction. Both systemic and personal changes of trial and appellate judges, court administrators, prosecutors and defenders have been analyzed and are discussed in this report.

MAJOR CHANGES AND TRENDS IN THE JURISDICTION

A Court Reorganization Act of 1978 mandated major changes in the court system at this site. The reorganization consolidated seven trial courts into one unified Trial Court and created a new administrative system including the position of Trial Court Administrator. It also provided for state assumption of all costs of maintenance and operation of the courts, including salaries. A nine-member Commission on Judicial Conduct was established to investigate complaints about judges. Other changes which are relevant to this report will be discussed in the following sections.

The reorganization, as well as new criminal rules and procedures, continues the trend of attempting to improve the administration of justice in the state. It also forwards the continuing effort to unify the courts—a process which has been evolving over the years.

INCIDENCE OF TRAINING IN THE JURISDICTION

Attendance at national training programs varied greatly among role groups. Attraction of both prosecutors and defenders by the national institutes was significant compared to their somewhat limited involvement with judges. Those persons who attended training generally expressed a desire to return to other courses in the future. In each role group, lack of funding was discussed as a major deterrent to out-of-state training, and it was suggested that court personnel at this site will be attending fewer national programs in the future because of this. Although attendance at the national courses may be decreased, the state is active in providing in-state training, particularly for judges. *Exhibit 1* provides statistics on training at this site.

All supervisors interviewed had a positive attitude toward the national programs and indicated that training was a great benefit to their respective staffs. However, supervisors, like participants, discussed the lack of funding as a continuing problem. Alternative methods of training, such as regional seminars, were requested by the supervisors.

IMPACT OF TRAINING IN THE JURISDICTION

It is relatively difficult to assess the impact of training in this jurisdiction due to the significant legislative changes which occurred during the past year and due to the upcoming changes in criminal procedures. Those changes were foremost in the respondents' minds, and legislation was often deemed the cause of most changes (both personal and systemic). However, participants' responses are explained in detail throughout this report and some personal changes were attributed to training.

B. DESCRIPTION OF AREA

Site Description

The site of this case study is a major city located in the New England region of the country along the Atlantic seaboard. According to 1978 estimates, the population of the city is 618,400. Median household effective buying income for that year was an average of \$13,845. The service industry is the main industry in the area, with professional services ranking first. The manufacturing industry ranks second, with electrical machinery and supplies highest in the manufacturing category.

Court Jurisdiction Trial Courts

The Supreme Judicial Court is the only court which is constitutionally established in the state. All others are created and may be abolished by the legislature. Each court department in the Trial Court is described below, followed by descriptions of the Supreme Judicial Court and the Appeals Court.

The *Superior Court Department* is headed by an Administrative Justice who is selected by the Supreme Judicial Court to serve a five year term. There are 55 associate justices who sit in 14 counties throughout the state. The court conducts civil and criminal sessions on a circuit basis in 21 locations. It receives criminal prosecutions upon the presentation of an indictment by a Grand Jury. The Superior Court Department has concurrent original jurisdiction of all civil actions except where another court department has exclusive jurisdiction. Jury trials are available for civil and criminal prosecutions. In other civil actions, cases are heard by a judge without a jury. The Superior Court Department has an appellate division consisting of a three judge panel which is brought together to review sentences.

The *Probate and Family Court Department* has general equity jurisdiction and jurisdiction over divorce, annulment and affirmation of marriages. It concerns itself with separate support, and with custody over minors and mental incompetents. It also has exclusive jurisdiction of all probate matters. The Court has 14 divisions, one in each county, and has a total of 27 justices.

The *Land Court Department* was originally established to deal with matters relating to the registration of land titles and to ascertain land ownership. Its jurisdiction is concurrent with the Superior Court Department and the Supreme Judicial Court in equity cases of those matters. The Court consists of an administrative justice and two associate justices.

The *District Court Department* has jurisdiction over all misdemeanors and a number of felonies. Most criminal trials are heard by a justice without a jury. If a defendant is convicted, he may obtain a trial de novo with six jurors before another justice in the District Court Department. This Department also has civil jurisdiction in matters of law, contracts and over small claims (\$750 or less). It has jurisdiction in juvenile matters if no separate Juvenile Court Department exists. An administrative justice heads the Department, which consists of 153 justices.

The *Municipal Court Department* has civil jurisdiction of all actions in which monetary damages are sought if at least one defendant lives or works in the county in which the court is located. It also has criminal jurisdiction of misdemeanors, municipal ordinance violations and felonies committed in the municipality and punishable by less than five years imprisonment. This Department has one administrative justice and eight associate justices.

The *Juvenile Court Department* consists of one administrative justice and six associate justices who sit in four counties. Outside of these counties the local District Courts have jurisdiction over juvenile matters. The Juvenile Court Department has jurisdiction over delinquents and Children in Need of Services (CHINS). Children under the age of 14 automatically come before these courts. When a juvenile is between the ages of 14 and 17, a judge has discretion to treat the case either as a juvenile or adult criminal matter. Juveniles may appeal to the Superior Court for a trial de novo.

The *Housing Court Department* has both civil and criminal jurisdiction in landlord-tenant matters and in violations of the housing and sanitary codes and other related areas. It is composed of three justices who sit in two counties. Outside of these counties, housing cases are usually heard by the District Court Department.

Appellate Courts

The *Supreme Judicial Court* is the court of last resort in the state and consists of a Chief Justice and six associate justices. It has exclusive jurisdiction in cases of first degree murder when a sentence of death or life imprisonment has been imposed as well as "any case that it or the Appeals Court certified for direct review or has broad public concern." The Supreme Judicial Court is also responsible for general superintendence of the court system of the state.

The *Appeals Court*, an intermediate appellate court, was established in 1972 to relieve the Supreme Court of its heavy appellate caseload. In general, its appellate jurisdiction is concurrent with the Supreme Court with the major difference being that the Supreme Court hears cases of broad public concern. The Appeals Court has no original jurisdiction. It consists of ten justices who may sit in panels of three or more as assigned by the Chief Justice.

System Changes

As a result of court congestion, delay and increasing backlogs in both the criminal and civil courts, an extensive court reorganization took place during the 1978 legislative session. Through legislative action, the state assumed all costs of court operation and maintenance. It also consolidated seven trial courts into one unified Trial Court. In addition, it created a new administrative system for the Trial Court which provides for one Chief Administrative Justice of the Trial Court and an administrative justice for each of the seven court departments. Continuing a trend toward unification of the courts, budgets will be prepared by each court department and submitted to the Chief Administrative Justice. He will, in turn, submit them to the Supreme Judicial Court.

Another segment of the reorganization granted clerks the additional title of magistrate and expanded their duties and responsibilities. The appellate workload of the Superior Court Department was considerably decreased, since it no longer hears trials de novo from the District Courts. Instead, District Courts with juries of six hear District Court appeals. Further appeals then go to the Appeals Court.

In an attempt to monitor and investigate complaints about judges, a nine-member Commission on Judicial Conduct was created. The last major change due to the court reorganization legislation was that retired judges may be eligible to be recalled to duty for a two-year term. The Chief Administrative Justice may then assign them to serve in any department of the Trial Court.

C. TRIAL COURTS AND TRAINING

Organization

The Trial Court consists of seven court departments: the Superior Court Department, Probate and Family Court Department, Land Court Department, District Court Department, Municipal Court Department, Juvenile Court Department, and the Housing Court Department. The Trial Court, which was described previously, employs a total of 250 associate justices. All are nominated and appointed by the Governor. Salaries for all Trial Court justices are set at \$42,500 as of July 1979. Salaries for the Administrative Justice of each department are \$44,500 and the Chief Administrative Justice earns \$47,000 as of July 1979.

Management

A Chief Administrative Justice heads the Trial Court and serves a seven-year term. The justices of the seven departments nominate three justices for the position and one is selected by the Supreme Judicial Court to become the administrative head. The Chief Administrative Justice is concerned with the development of standardized personnel policies, including continuing education. He prepares the unified budget of the Trial Court (which involves all of its personnel and facilities, including over 100 courthouse facilities), and has the power to assign judicial and non-judicial personnel to various departments. He is assisted by an Administrator of Courts for the Trial Court, whom he appoints, subject to the approval of the Supreme Judicial Court.

Each department is headed by an Administrative Justice, selected by the Supreme Judicial Court, to serve five-year terms. They serve as administrative heads of their respective departments and are responsible for personnel management, financial administration, budget preparation, records management, information system and statistics control, purchasing, planning, construction, and general supervision over caseload. Each of the departments may have an Executive Secretary who assists the Administrative Justice.

Caseload Information

Prior to the creation of the unified Trial Court, each individual court kept caseload information independently. No uniform procedures for collection or submission of data existed. As a result, the following figures are provided for the state as a whole, rather than by jurisdiction, with the exception of Juvenile Court.

DISTRICT COURT DEPARTMENT

	<u>FY 1977</u>	<u>FY 1978</u>
Criminal (excluding parking)		
Total Motor Vehicle Complaints Entered	525,454	549,834
Total Criminal Complaints Entered	763,731	731,682
Total Appeals to Jury Sessions	16,676	18,995
Total Criminal Complaints Disposed of	N.A.	581,681
Civil		
New Entries	82,901	65,571
Cases Disposed of	N.A.	39,077
Removed to Superior Court	2,280	2,315
Small Claims		
Cases Entered	35,400	26,631
Cases Disposed of	N.A.	11,806

Note: N.A. = statistics not available.

Statistics for juveniles were not complete and are not reported.

MUNICIPAL COURT DEPARTMENT

	<u>FY 1977</u>	<u>FY 1978</u>
Civil Business		
Actions Entered	23,315	22,490
Actions Removed to Superior Court	522	540
Actions Defaulted	11,559	10,919
Trials	2,350	2,844

(continued)

MUNICIPAL COURT DEPARTMENT

	<u>FY 1977</u>	<u>FY 1978</u>
Small Claims		
Total Cases Entered	2,132	2,146
TOTAL Civil Entries	24,925	24,095
Transferred from Superior Court		
Criminal Business		
Net Arrested, Pending Trial	13,342	10,168
Total Trial by the Court	12,582	19,368

LAND COURT DEPARTMENT

	<u>FY 1977</u>	<u>FY 1978</u>
Total Cases Entered	8,022	8,565
Total Plans Made	798	816
Total Cases Disposed of	6,511	7,747
Total Cases Pending	12,567	13,385

SUPERIOR COURT DEPARTMENT

	<u>FY 1977</u>	<u>FY 1978</u>
Criminal Actions on Hand July 1	46,414	40,810
Criminal Actions Pending as of July 30	43,355	35,468
Civil Actions on Hand July 1		
Jury	48,154	42,443
Non-Jury	43,165	42,645
Civil Actions Pending as of July 30		
Jury	41,706	41,869
Non-Jury	43,882	45,287

HOUSING COURT DEPARTMENT

	<u>FY 1977</u>	<u>FY 1978</u>
Criminal Cases	4,742	5,141
Summary Process Cases	4,199	5,148
Small Claims	1,545	1,466
Civil Cases	1,495	1,436
Total New Entries	11,981	12,194

PROBATE AND FAMILY COURT DEPARTMENT

	<u>FY 1977</u>	<u>FY 1978</u>
Original Entries	107,853	101,967
Probate	60,388	55,544
Equitable Relief Complaints Filed	1,459	1,257
Divorce — Original Entries	23,483	24,418
Adoptions	3,296	2,918

JUVENILE COURT DEPARTMENT (Statistics are for this site only)

	<u>FY 1977</u>	<u>FY 1978</u>
Juvenile Criminal Complaints	19	46
Delinquent Complaints	2,010	2,230
Children in Need of Service (CHINS)	245	201
Adult Complaints	12	14
Children in Need of Care and Protection	190	129
Total Complaints	2,446	2,620

APPELLATE DIVISION

Care and Protection	28	16
Delinquent	116	150
CHINS	<u>1</u>	<u>2</u>
Total	145	168

Incidence of Training

Penetration by the national training institutes into the courts was relatively limited, apparently due to lack of funding for out-of-state training. A local institute for continuing education is in the developmental stage, having received initial funding through an LEAA grant. The state also sponsors continuing legal education through an LEAA grant, which received varied comments from judges. Some felt that the in-state training was excellent and fulfilled the need very well, particularly with respect to cost, while others expressed strong opinions that the in-state training was inadequate. However, lack of funding limits all training, making attendance at national programs less likely each year. For example, of the nine justices who attended the National Judicial College, most attended courses between 1973 and 1975.

Each individual we interviewed who had supervisory responsibilities expressed concern over lack of funds, further substantiating this fact. One supervisor felt that although "the need for continuing education is great, this need must be weighed against the importance of judges being present in the courtrooms to try cases and reduce the backlog."

Training for non-judicial court personnel seems to be suffering from lack of funding as well. However, eleven persons interviewed had taken courses given by the Institute for Court Management, and many had attended two or more. One of the respondents was close to becoming a fellow of the Institute, having completed the workshops, residential program, and the internship. According to one supervisor, there is a "desperate need" for training of clerks and other non-judicial personnel at this site.

Impact of Training

A total of 15 Trial Court justices were interviewed during our site visit. Of those, four were supervisors and eleven were participants at one or more training institutes. Of the 11 participants, nine attended the National Judicial College, one attended the American Academy of Judicial Education, and one attended the National Institute for Trial Advocacy's Teacher Training. Six of the participants were Superior Court justices, three were Municipal Court justices, one was a Probate Court justice and one was a District Court justice. The average number of years of professional experience was 34 years, while the average number of years on the bench was approximately eight years.

No systemic changes were attributed to training. When respondents were asked about significant changes in the court system over the past five years, the most frequent response was the 1978 Court Reorganization legislation. Also mentioned were new criminal procedures, changes in the types of cases (specifically more consumer fraud cases) and increased workload. Two respondents felt that the public has focused more attention on the courts over the past five years and that some changes had resulted from the increased attention from the press. Other changes mentioned were the appointment of younger, more energetic judges to the bench and improved caseload management.

In responding to questions regarding personal changes, most justices felt that their substantive knowledge had changed as part of an ongoing, continuous process. The particular area most often mentioned was keeping abreast of changes in criminal laws. When asked about other personal changes, most were attributed to changes in legislation and resulting system changes. However, of six justices who felt they had experienced changes in personal skills, one credited training at the National Judicial College, and the remainder cited their experience on the job.

Supervisor interviews generally substantiated the fact that national training programs had little impact at this site. While all said they have heard only praise for the national courses, this group of respondents did not see many changes as a result. One supervisor felt that training has an intrinsic value in renewing enthusiasm and another noted that writing skills of justices were improved as a result of training at the National Judicial College, but those were the only changes mentioned.

A total of 13 courses were attended by the nine respondents who participated in training at the National Judicial College. Of those, eight of the nine attended courses between 1973 and 1975. This further demonstrates the lack of funds in the past few years, particularly since seven respondents expressed interest in returning to the National Judicial College.

On the average, participants felt the courses taken had been applicable to their court system, as well as to the general needs of the judiciary. The faculty was perceived to be quite knowledgeable by eight of the nine respondents in both substantive knowledge and practical experience, but participants rated the teaching ability slightly lower. One respondent who attended a program on sentencing felt that the faculty did not have a great degree of knowledge or teaching ability and that his own knowledge surpassed that of the faculty.

When asked to comment on the strengths and weaknesses of training provided by the National Judicial College, strengths far outnumbered weaknesses. Some of the strengths mentioned were the excellence of the faculty and the effectiveness of the training format—both of lectures and discussion groups. Two respondents felt the experience was stimulating and another felt the course summarized what a judge's role should be. Also, the exchange of ideas with other judges throughout the country was expressed as a major benefit.

One weakness expressed by many of the participants was that the course was too long, both in the number of days and the number of hours of training in a day. Also, one participant felt that since the National Judicial College was such a vital training institute for judges, they should offer more scholarships to allow more judges to attend.

One justice attended two programs given by the American Academy of Judicial Education in both 1976 and 1977. He felt the learning experience was excellent and that one of the major strengths was interaction with other judges. Faculty ratings were high, and the respondent felt that the faculty and staff were very cooperative and helpful. He also mentioned that rotation of discussion group leaders was a benefit which enabled exposure to a variety of people. This participant offered no criticism of the Academy but commented that he would attend many more programs if money were available and he did not have strict time constraints.

One justice who teaches part time at a law school attended a National Institute for Trial Advocacy Teacher Training Course, which the law school required him to attend. He felt it was not applicable to his judicial duties, but that it was "immensely valuable" to his work at the law school. The justice doubted that some of the faculty had ever been in a courtroom, and he felt that some of the students had never tried a case.

Incidence of Training Among Court Administrators

Twelve persons having responsibility for various phases of court management were interviewed during the site visit. Among those interviewed was an elected clerk-magistrate with a law degree, and an Assistant Clerk of the Supreme Judicial Court, who was also a lawyer. A jury commissioner, a computer programmer for the District Attorney's Office, and a public information specialist were also included as participants. The length of time that most had been in the system was impressive: one person had spent over thirty years as a clerk, while another had 27 years tenure.

Eleven of the twelve had exposure to workshops given by the Institute for Court Management and many had gone to more than one program. As previously mentioned, one of the interviewees was close to becoming a fellow of the Institute. Courses taken include: Court Organization and Management, Information and Management Systems, Jury Management, Community and Press Relations, Budget and Financial Controls, Personnel Administration, Caseload Management, Space Management, Records Management, and a seminar for Appellate Clerks.

The program affected individuals in a variety of ways. One person found herself utilizing Management by Objectives which she had learned at the Institute. She also felt that her experience had made it possible for her to grasp things more quickly, such as spending less time reading through cases to find what she was looking for. Another participant found the material on docketing helpful for developing new procedures and praised the forms design seminar as helpful in designing his own forms. This participant felt he had brought back new skills, ideas, and resource materials from the seminar he attended and felt that he was much more professional as a result of his contact with ICM.

Another respondent cited a more stringent case management system within the District Attorney's Office as a direct result of training at ICM. He felt that the courses had a "phenomenal" impact upon his substantive knowledge of law and the courts. In particular he was able to make changes related to automation in his agency and managed to keep abreast of caseload. He attributed this improvement in the monitoring of cases to the course in caseload management given by M. Solomon. He also felt he was utilizing ideas from other participants who had attended ICM and was in constant communication with them.

One respondent who made favorable comments about the program felt that he did not acquire many direct skills but said he had developed a better attitude toward supervising and dealing with personnel. He also felt that ICM is important in developing a sense of professional collegiality among court administration people. (He was one of the few to criticize the Institute materials and felt they were not worth sharing with others in his office.)

In commenting about the ICM program, a few respondents felt it had little impact because the key non-judicial personnel were not allowed to go because they were too valuable to spare for lengthy workshops. As a result, the less important clerks attended, and this diminished the impact of the program.

Criticisms ranged from some mildly disapproving comments concerning the "redundancy" of content, to more demonstrative comments. (For example, when one participant was asked if she wished to return to the Institute, her response was, "Never—it cost the court \$1,200 and it was a total waste except that it was in San Francisco.") Within this set of dichotomous attitudes, some participants felt that more skills and skill development could be emphasized. One respondent found it too disorganized and another felt it placed too much emphasis upon social activities. Several frankly admitted that they were not receptive to learning. (One had a law degree and felt he had "paid his dues," while another felt that after 30 years in the court system he could be taught very little.)

The faculty also received varied comments—ranging from excellent to poor. For example, Whitening and Hogghead were classified as experts by one who categorized the rest as "inadequate in all ways." A few participants felt that the faculty members were competent but seriously flawed by their lack of knowledge of the court system in that state.

In general, no clear trend emerged, and there was a mixture of both favorable and unfavorable comments. One or two respondents said that they would go to training and pay for it themselves if they could get the time, while a few said it was not worth the money even if they were paid to go.

D. APPELLATE COURTS AND TRAINING

Organization

The *Supreme Judicial Court* is headed by a Chief Justice and consists of six associate justices. They are nominated and appointed by the Governor with the consent of the Executive Council. As of July 1979 the Chief Justice earns \$52,000 and associate justices earn \$50,000.

The *Appeals Court*, the intermediate appellate court of the state, consists of 10 justices who are nominated and appointed by the Governor. As of July 1979 the Chief Justice of the Appeals Court earns \$47,000 while the associate justices earn \$45,000.

Management

The Supreme Judicial Court is "vested with 'general superintendence' of all courts of inferior jurisdiction, and may approve rules and regulations promulgated in those courts." A position of State Court Administrator does not exist. The Chief Justice appoints an Administrative Assistant to assist in all aspects of management of the appellate courts.

Caseload Information

The latest statistics available for the appellate courts are for fiscal year 1976. They are presented below.

	<u>Supreme Judicial Court</u>	<u>Appellate Court</u>
Decisions of lower court <i>affirmed</i>	168	199
Decisions of lower court <i>reversed</i>	76	77
Decisions of lower court <i>modified and affirmed</i>	9	10
No decision in lower court	36	2
Appeals dismissed	6	1
Remanded	1	—
Rehearing denied	1	—
Total	297	289
Criminal Cases in Total	93	62

Impact of Training

Among the appellate judges, one participant interview and two supervisor interviews were conducted on site. The participant interview was conducted during a recess of the court and could not be completed.

Both supervisors felt that continuing education for judges is imperative, and one felt strongly that out-of-state training is more effective. Although he said that in-state training in this particular state is very good, he does "not favor it because there are too many distractions locally." The second supervisor interviewed noted a decrease in availability of out-of-state training funds and observed that, "since in-state training costs are lower and funds are scarce, training efforts will have to be concentrated locally."

Both supervisors commented favorably about the national programs, stating that they have been consistently excellent. They also agreed that judges benefit greatly from them.

The one appellate justice participant interview conducted was very brief, but in general, the respondent had a very high opinion of training at the Institute for Judicial Administration (Appellate Judges Seminar). The justice had been in the appellate court system for nine years and felt the training would have benefited a newly-appointed appellate judge more than one who had been on the bench a number of years. The respondent was very impressed with the faculty and also with the quality of "input from fellow judges of other states."

E. PROSECUTOR SYSTEM

Organization and Management

The prosecutorial function in this jurisdiction lies in the District Attorney's Office. The office consists of 110 prosecuting attorneys and 140 support staff under the direction of an elected District Attorney.

Caseload Information

The office was unable to provide organizational or detailed statistical information for this report. The only caseload data made available concerned the pending cases in Superior Court. As of May 24, 1979 there were 1,392 active indictments, 280 active felony appeals and 101 active misdemeanor appeals pending on their docket. The cases originated as far back as 1976.

Incidence of Training

Twenty-two interviews were conducted with prosecutors at this site, including 18 participants, two comparisons and two supervisor interviews. Respondents had an average of seven years of professional work experience, which was entirely in law-related fields.

The participants attended a total of 46 training courses, and the comparison interviewees attended a total of five courses. Two persons attended the National College of District Attorney's Career Prosecutor Course, and several attended NCDA seminars as well as courses at the National Institute for Trial Advocacy. Other training included the Cornell Institute on Organized Crime, the National College of Criminal Defense Lawyers and Public Defenders, and the state continuing legal education seminars.

Impact of Training

The District Attorney's Office supports training, which is substantiated by the high number of participants. However, it is somewhat difficult to assess impact, due to the number of recent organizational changes which have occurred in the system.

When questioned about systemic and personal changes, all respondents mentioned the court reorganization, which was responsible for changes in the appellate process of a District Court case. Previously a case would have gone directly to Superior Court to be heard by a 12-person jury. Under the new legislation, it remains in the District Court and is reviewed by a six-person jury.

The new proposed criminal procedures was another major change mentioned by the prosecution staff. The code was due to go into effect one week after our site visit. It incorporates vast changes in discovery rules and time limits for bringing a criminal case to trial. There were conflicting opinions as to the actual impact the new laws will have on the operation of the court system.

Other general trends noted were the increased public awareness of the court system, with a subsequent rise in litigation, the overall congestion of the courts, and what was felt by two respondents to be a more liberal attitude toward sentencing.

Two participants of the National Institute for Trial Advocacy were interviewed during the site visit. One felt that the NITA course was basically well integrated but that not enough emphasis was placed on criminal law. He also felt it involved too much work in too short of a time.

Both respondents attempted to change their trial techniques upon their return from training at NITA. Although neither expressed the desire to attend further courses, one participant indicated that he would like to return as an instructor.

The NITA faculty was generally regarded as good; however, one respondent said he felt "attacked" by faculty and students for being a prosecutor since the course was almost entirely dominated by defenders. One recommendation for future sessions was to divide participants by skill level because it seemed to be geared to the least experienced participant.

The majority of participants attended the National College of District Attorneys. Two persons attended the Career Prosecutors Course; the remainder attended various other NCDA sessions.

Most courses were viewed as being very applicable to the needs of the jurisdiction, as well as to the needs of the general profession. The faculty was considered to be a major strength of the institute. Upon returning from training, participants indicated they made such personal changes as modifications in style, trial technique refinements, improvement in cross-examination, and better overall organization of cases. Respondents made no systemic changes as a result of training.

All but four participants said they would like to return for further sessions. Positive aspects of training included the information sharing with participants of other geographical areas, new resources attained through the NCDA materials, and the benefit of training as a "catalyst for thought."

Criticism of NCDA included a comment concerning a "bias" against women. Some respondents felt that the sessions were too elementary and general, that they should cover more specific areas, and that they be divided by length of experience of participants. Another criticism was expressed by a participant who attended a program held in Orlando, Florida. The respondent attended only the first hour of the first session and spent the remaining time vacationing. However, at the end of the program, the participant picked up his certificate without any questions or comments from NCDA. He felt that this situation should not be possible and said he would only want to attend, or want his staff to attend another NCDA session located in a non-resort area.

F. DEFENDER SYSTEM

Organization

Counsel to indigents accused of crimes for which incarceration may be imposed is provided by the State Defenders Committee. The Committee has been in existence for 19 years and consists of 11 unpaid members appointed by the Supreme Judicial Court. The members appoint a Chief Counsel who, in turn, hires and administrates the daily functions of the trial attorneys.

Approximately 100 full-time attorneys are employed by the Committee. They are under the direction of the Chief Counsel, the Deputy Chief Counsel, the Executive Secretary and an Executive Assistant.

Management

Staff of the Defenders Committee is divided into four divisions: Trial Division, Appeals Division, Social Services and Investigative Services. The Trial Division conducts the defense in the District and Superior Courts. The Appeals Division reviews legislation and proposed law reform as well as handling defendant's appeals.

The Social Services Division functions as an adjunct to the Appeals and Trial Divisions. Clients are referred by their attorneys to the Division, which makes referrals to community and private human service agencies (e.g., drug, alcohol, psychiatric, medical, educational, vocational and other service agencies).

The Investigative Services Division assists the trial staff by interviewing witnesses, issuing subpoenas, conducting lie detector tests and other investigative duties.

This defender organization has several innovative programs within its jurisdiction. A federal grant enabled them to open neighborhood offices in various jurisdictional communities to better serve the public. The Committee also employs a Private Bar Panel. Various private law firms send one employee for a month to be trained in the office for two weeks and practice under strict supervision in a courtroom for two weeks. After training, a lawyer is available one day each month for assignment to a Committee case. The Committee also utilizes law interns from local law schools.

Caseload

The most recent statistics available for the Defenders Committee are from 1975. During that year 106 attorneys represented 22,848 defendants in District Courts and 5,425 defendants in Superior Court. Vertical assignment is utilized so that a defendant retains the same attorney through all litigation and appeals in District and Superior Court. The Committee also attempts to assign repeat offenders to the same attorney.

Incidence of Training

Fourteen defense-related interviews were conducted, consisting of 10 participants, three comparisons and one supervisor. The respondents had an average of eight years of professional work experience, seven of which were law-related.

A total of 40 training courses were attended by the respondents. Ten participants attended the two-week Trial Practice Seminar sponsored by the National College of Criminal Defense Lawyers and Public Defenders. Fourteen other NCCDLPD courses were also attended. Other training included: the Practising Law Institute, National Association of Trial Lawyers, and state continuing legal education seminars.

Impact of Training

Systemic changes in this jurisdiction were not attributed to training. The major systemic change noted by defenders is the recently adopted criminal procedures. Several attorneys felt that the procedures are beneficial to prosecutors, especially in the area of discovery. They commented that this reflected an overall trend within the jurisdiction toward "law and order." Contradicting a change to more lenient sentences noted by prosecutors, defense attorneys felt sentences were more stringent. Several attorneys also felt that an attempt was being made to move cases through the system to alleviate some of the court congestion.

Participants of the NCCDLPD viewed training as highly applicable to system needs. Faculty was viewed as being the best in the field, with one respondent emphasizing this by saying, "I would have them represent me if I needed a lawyer."

All participants expressed a desire to return to the College for further courses. Reasons given were the exposure to others in the same field and the motivation and reinforcement gained by interaction with other participants. Personal changes attempted by returning students included style modifications, increased dramatization in the courtroom, and the use of opening statements. This was supported by a supervisor who noted that trained attorneys began using opening statements, which was not usually done by defense lawyers in this jurisdiction. Organizational change took the form of the establishment of in-house training.

There was general concurrence among trainees that the NCCDLPD course was the best post-law training available. It was viewed as an intense "working" program with instruction from other students, as well as faculty. The information obtained was practical and demonstrable. Participants expressed conflicting opinions with regard to the College's division of classes by level of experience. Most respondents felt this was beneficial; however, one respondent said that it deprived the inexperienced attorneys of the benefit and advice of their more advanced colleagues.

The defense attorneys were generally very supportive of training. Utilizing "seed" money from LEAA, the Defenders Committee instituted an in-house training program, which was subsequently continued through state funds. There is one full-time training person who conducts in-house classes and demonstrations. These take the form of lectures, mock trials, and videotaped training. In addition to increasing skill levels of staff attorneys, the sessions are utilized to familiarize lawyers with law revisions and new criminal rules and procedures.

The supervisor said he encourages participation in training, especially at the NCCDLPD in Houston. As a result of providing instructors for local law school clinics, the office receives an honorarium which is used to send participants to Houston. He expressed a desire for more training funds as well as more regional LEAA-funded training programs.

INCIDENCE OF TRAINING IN EIGHT INSTITUTES

Role Group	Total Number At Site	Number Interviewed On Site	Number of Training Participants	Others Interviewed On Site	Mail Questionnaires Distributed
Appellate Judges	17	3	IJA - 1	Comparisons - 0 Supervisors - 2	NJC - 1
Trial Judges	55	15	NJC - 9 AAJE - 1 NITA - 1	Comparisons - 0 Supervisors - 4	NJC - 1
Court Administrators	Not Available	7	ICM - 5	Comparisons - 0 Supervisors - 2	ICM - 2
Prosecutors	110	22	NCDA - 16 NCCDLPD - 1 NITA - 1	Comparisons - 2 Supervisors - 2	NCDA - 1
Defenders	Approx. 100	10	NCCDLPD - 6	Comparisons - 3 Supervisors - 1	
Private Attorneys	Not Available	4	NCDA - 1 NITA - 1 NCCDLPD - 2	Comparisons - 0 Supervisors - 0	NCDA - 1 NITA - 9
Others	Not Available	10	ICM - 5 NCCDLPD - 1	Comparisons - 0 Supervisors - 4	ICM - 4 NJC - 1 NITA - 1

CASE STUDY NUMBER 2

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SUMMARY OF FINDINGS

This report presents the findings of a study of the incidence and results of training among judges, prosecutors, public defenders, and non-judicial personnel in a large judicial system in a metropolitan area of the United States. The case study is based on a review of the structure and operations of the judicial system, the courts and related agencies, and on interviews with judges, prosecutors, defenders, and non-judicial personnel. Following this introduction, is a summary of the major findings of the case study.

Major Changes and Trends in the Jurisdiction

As a result of constitutional amendments which became effective April 1, 1978, there were three major changes in the state's judicial system: appointment rather than election of Court of Appeals judges, establishment of a Commission on Judicial Conduct, and appointment of a Chief Administrator to supervise the administration of the unified court system, on behalf of the Chief Judge. These and earlier changes have resulted in a trend toward centralized control of the courts, standardization of procedures, improved efficiency, and greater productivity.

Incidence of Training in the Jurisdiction

The Chief Administrative Judge of the jurisdiction supports and encourages training for both judicial and non-judicial personnel. According to his estimates, a large majority of the trial judges have attended training, but participation in training appears to be significantly less common among non-judicial court personnel. Much of the training attended by the trial judges was sponsored by the state or private organizations within the state. Attendance at LEAA-supported institutes appears to be limited by cost and location. The state's Office of Court Administration is now discouraging attendance at out-of-state programs and is restricting funds accordingly. Of the 11 trial judges interviewed five have attended the National Judicial College. One of the two appellate justices included in the study has attended the Appellate Judges Conference of the American Bar Association. Two non-judicial court personnel participated in the study; one has attended the Institute for Court Management.

The District Attorney's Office strongly advocates training. A significant majority of the assistant district attorneys in the office have attended some training, either at various in-state or national programs, with funding provided through the office. Nine of them have attended the National College of District Attorneys.

No information was available on the overall incidence of training among public defenders. However, six former public defenders were included in the case study, and all attended the National College of Criminal Defense Lawyers and Public Defenders. *Exhibit 1* provides a breakdown of the incidence of training among those who attended the eight institutes being evaluated.

Impact of Training in the Jurisdiction

The only areas in which it is possible to assess the impact of training are the trial courts and the prosecutor system. Based on the information obtained in the interviews, almost none of the systemic changes in the trial courts and limited instances of personal change among judges can be attributed directly to training. In one or two cases new ideas obtained at training activities from other jurisdictions have had some impact in a particular court. Examples are innovations in sentencing procedures and calendar management. Attitudinal changes and creation of a predisposition to change appear to have been the primary results of the training among the trial judges.

Similarly, no major changes in the prosecutor system were attributed to training, but supervisors in the office, including the District Attorney, agree that training has changed at least some assistant district attorneys' attitudes toward prosecution as a long-term career choice.

Among all groups interviewed the benefit of training most frequently cited was the opportunity to exchange ideas with other members of the profession from different jurisdictions or areas of the country.

DESCRIPTION OF THE AREA

Site Description

The site of the case study is a city located in the largest county of a state in the Middle Atlantic Region of the United States. According to the 1975 census, the population of the city was 407,000. The 1976 statistics show the median effective buying income in the city at \$11,116. The surrounding county income was slightly higher at \$14,414. The major industry in the city is manufacturing. The three largest categories of manufacturing are motor vehicles and equipment, primary metals, and non-electrical machinery.

Court Jurisdictions

All courts in the state are constitutionally established. The court of last resort is the Court of Appeals. The intermediate appellate courts are the Appellate Division of the Supreme Court. Also, where established, there are Appellate Terms of the Supreme

Court which hear appeals from the lower courts. The statewide court of general jurisdiction is the Supreme Court. The County Courts have general criminal jurisdiction and limited civil jurisdiction. Other courts possessing limited jurisdiction are: Court of Claims, Family Courts, Surrogate's Courts, separate Civil and Criminal Courts of the largest city of the state, District Courts, City Courts, Town Courts, and Village Courts.

The state is divided into 11 judicial districts. The site of the case study is located in the eighth judicial district. The separate criminal and civil courts established in the state's largest city and the District Courts have no jurisdiction in the eighth judicial district. The specific jurisdictions of the courts relevant to the case study are described below.

LOWER TRIAL COURTS

The lower courts in the eighth district are the City Courts and Village and Town Courts.

The *City Courts* have criminal jurisdiction to hear, try and determine all misdemeanor cases. And they have jurisdiction over all offenses of a grade less than misdemeanor, including ordinance violations. The City Courts conduct felony arraignments and preliminary hearings. The specific monetary jurisdictions of the City Courts are set forth in the individual legislative act which established the particular court, and they vary from city to city. The civil jurisdiction of the largest City Court in the eighth judicial district is limited to claims under \$6,000.

The *Town and Village Courts* have the same criminal jurisdiction as the City Courts. Their civil jurisdiction extends to controversies involving \$3,000 or less. The Town and Village Courts also have jurisdiction of summary proceedings involving landlords and tenants without regard to amount. Their small claims jurisdiction extends to actions involving \$500 or less.

SUPERIOR LEVEL TRIAL COURTS

The Superior Trial Courts with jurisdiction in the eighth judicial district are the Supreme Court, County Courts, Court of Claims, Family Courts and Surrogate's Courts. In 1973 the Temporary Commission on the State Court System recommended a merger of these courts to form a Superior Court System. Implementation of this recommendation has not occurred. The Supreme Court and County Courts still have overlapping criminal jurisdictions, and the numerous courts of limited jurisdiction remain.

The *Supreme Court* has unlimited original criminal and civil jurisdiction. In actual practice it hears primarily civil cases which are beyond the monetary jurisdiction of the lower trial courts (\$6,000) and of the County Courts (\$10,000). It has exclusive jurisdiction over matrimonial proceedings—divorce, separation, or annulment. Also, it has jurisdiction in equity proceedings such as mortgage foreclosures and injunctions.

Due to the overlapping criminal jurisdictions, the Supreme Court and the County Court in the site location have formed a Superior Court which has the sole purpose of trying violent felonies.

The *County Courts* exercise unlimited jurisdiction over all crimes and other violations of the law. Its civil jurisdiction is constitutionally limited to controversies involving less than \$6,000, but the legislature is empowered to grant jurisdiction up to \$10,000. The *County Court* in the study site was granted jurisdiction up to \$10,000, as were the majority of the other County Courts in the state. However, the caseload of the County Courts is primarily criminal.

The *Court of Claims* has jurisdiction to hear and determine claims against the state or by the state against the claimant or between conflicting claimants. The state has been divided into nine Court of Claims Districts and two terms of court are held each year in each district.

The *Family Courts* hear cases involving families and children. Their major types of cases involve juvenile delinquency, child protection, minors in need of supervision, review and approval of foster care placements, paternity determinations, family offenses, adoptions (concurrent jurisdiction with the Surrogate's Courts), support of dependent relatives, and permanent neglect and termination of parental rights.

The *Surrogate's Courts* have jurisdiction over all actions and proceedings relating to the affairs of decedents, probate of wills, administration of estates, and guardianship of the property of minors. Surrogate's also have concurrent jurisdiction with Family Courts over adoption proceedings.

APPELLATE COURTS

The *Court of Appeals* is the state court of last resort. The Court of Appeals has no original jurisdiction. It is constitutionally limited to the review of questions of law except in criminal cases in which the judgment is of death or a case in which the Appellate Division, in revising or modifying a final or interlocutory judgment or order finds new facts and a final judgment is entered pursuant to that finding. Direct appeals to the Court of Appeals from the trial courts are permitted when the death penalty is imposed or when the only question is the constitutionality of a state or federal statute. The Constitution provides that certain cases may be taken to the Court as a matter of right while others may be taken only with the leave of a justice of the Appellate Division or a judge of the Court of Appeals or upon certification of the Appellate Division or the Court of Appeals.

The *Appellate Divisions* have original jurisdiction in all matters relating to the admission, discipline and removal of attorneys. At the appellate level the divisions hear and determine appeals from judgments or orders of the courts of original jurisdiction in civil and criminal cases and review civil appeals from the Appellate Terms. In accordance with a recent constitutional amendment, the divisions may review determinations of the Commission on Judicial Conduct with respect to justices of Town and Village Courts, if such authority is granted by the legislature.

The *Appellate Terms* do not possess original jurisdiction. They are established by the justices of the Appellate Divisions, and as directed by the divisions have jurisdiction to hear and determine appeals which by law may be taken to the Supreme Court or to the Appellate Divisions. However, Appellate Terms are constitutionally restricted from hearing appeals from a Supreme Court, a Surrogate's Court, a Family Court, or appeals in criminal cases prosecuted by indictment. As such, the Terms normally hear appeals from limited jurisdiction courts and in some cases from the County Court.

System Changes

Since the 1961 amendment of the Judicial Article which provided for a unified state judicial system there has been a trend toward centralization of control of the courts. However, major changes in the administration of the court system have occurred within the last five years, and there is a strong trend toward standardization and uniformity in operations and procedures which has had some impact on related agencies outside the court system.

The 1976 Unified Court Budget Act provides for total state assumption of court financing (with exception of Village and Town Courts) by 1980, though local government will still provide facilities for court operations. The Act also provided that on April 1, 1977 all employees in the state courts, except Village and Town Courts became state employees.

The state's court system was also significantly changed by three constitutional amendments adopted by the voters in November 1977. The amendments which became effective on April 1, 1978, provided for the following changes:

- *Court of Appeals judges are no longer elected. Rather they are appointed by the Governor with the advice and consent of the Senate, from a list of persons found to be well qualified and recommended by a twelve-member bipartisan judicial nominating commission.*
- *An eleven-member Commission on Judicial Conduct is constitutionally established. The Commission investigates and makes determinations in matters relating to judicial misconduct and physical or mental disability. Commission determinations are subject to review by the Court of Appeals. All judges and justices in the state are subject to the Commission's authority. Formerly, there was a Court on the Judiciary which handled this function and consisted of Court of Appeals judges and Supreme Court justices.*
- *Administrative authority over the courts had previously been vested in the Administrative Board of the Judicial Conference, composed of the Chief Judge of the Court of Appeals and the four Presiding Justices of the Appellate Divisions. The Appellate Divisions had also been constitutionally vested with the power to supervise the administration and operation of all courts within their respective geographical area. As the result of the amendment, the unified court system is now supervised*

by the Chief Administrator on behalf of the Chief Judge of the Court of Appeals. Standards and policy of statewide application are promulgated by that chief judge after consultation with the Administrative Board and approval of the Court of Appeals.

The move toward centralized administration of the courts has had noticeable impact within the courts during the past five years. Examples are:

- *Establishment and improved monitoring of statewide operating standards and goals for the courts.*
- *The ongoing development and expansion of a statewide court management information system.*
- *A focus on increased productivity, speedier dispositions, and reduction of the case backlog.*
- *Development of a standard position classification system for non-judicial personnel.*
- *Increased focus on statewide training programs for the judicial personnel.*

This trend toward standardization and centralization will continue as more administrative control is exercised by the Chief Administrator and the Office of Court Administration. There is also some evidence to suggest that the administrative changes and the creation of the new Commission on Judicial Conduct will have an impact on the judiciary itself. Already there is evidence of a shift toward younger judges, and women and minorities have begun to appear on the bench. There appears to be a feeling among some of the judges that there is a trend toward greater commitment and concern on the part of new judges to improve the court system.

Consistent with actions taken at the state level, recent changes have been made by the Chief Administrative Judge of the eighth judicial district to ensure effective management and disposition of caseloads and utilization of judicial time. Judicial manpower has been centralized in the largest county of the district where intake is highest. Special matrimonial and medical malpractice parts were established in the Supreme Court to reduce the case backlog and ensure speedy disposition of new cases. Also, a prescreening process is being implemented to eliminate cases which can be settled without a trial, thus ultimately reducing the caseload.

THE TRIAL COURTS AND TRAINING

Organization

The *Supreme Court* in the eighth judicial district comprises 25 justices. The number of justices is determined by the legislature consistent with the requirements of the

constitution. The justices are elected by the voters for 14-year terms and are paid \$48,998 annually. The justices are assigned to different "parts" in the court for varying periods by the Chief Administrative Judge. The Supreme Court justices are centrally located in the largest county in the eighth district. They are assigned as necessary to try cases in outlying counties or in some instances County Court judges in those counties are temporarily designated as Supreme Court justices to hear civil cases outside the County Court's monetary jurisdiction.

There are 13 *County Court* judges in the eighth district. Their number is determined by the legislature. County Court judges are elected by the voters for 10-year terms, and annual salaries range from \$36,000 to \$48,998. The majority of the County Court judges are located in the largest county of the district. Most other counties have only one County Court judge. The *Superior Court* formed by the Supreme Court and the largest County Court to handle felony cases is composed of six Supreme Court Justices and four County Court Judges.

In the eighth judicial district there are 13 Family Court judges who are elected by the voters to 10-year terms. Annual salaries range from \$36,000 to \$48,998. The district also comprises three *Court of Claims* judges who are appointed by the Governor with the advice and consent of the Senate. They serve terms of nine years and their annual salary is \$48,998. There are no Surrogate's Court judges in the eighth district. When necessary, County Court judges serve as Surrogate's judges, and they may also serve as Family Court judges when required.

There are three *City Courts* in the eighth district. The largest of these cities is the immediate site of the case study and is the only one of the three which has a full-time, multi-judge court. That City Court has 12 judges, a chief administrative judge and 11 associate judges. The annual salary for the chief is \$34,000. Associate judges receive \$32,000 in annual salary. The City Court is divided into criminal and civil divisions.

The 25 *Town and Village Courts* of the eighth district comprise over 450 town and village judges. Town Court judges are elected by the voters to terms of four years. The selection process for the Village Court judges is determined locally, and their term is also four years. Salary levels for both types of judges is determined locally.

Management

The management or administration of the trial courts of the eighth district is the responsibility of the Chief Administrative Judge who is appointed by the Chief Administrator in consultation with the Presiding Justice of the Appellate Division in whose department the court is located, and with the approval of the Chief Judge. The management function is carried out through an office of court administration which includes in addition to the Chief Administrative Judge, an executive assistant, deputy executive assistants, and an administrative assistant. There is also an administrative judge in the Superior Court and in the largest City Court. They are responsible for their individual courts, but are under the general supervision of the Chief Administrative Judge.

The functions of the administrative office include the scheduling and assigning of judges, monitoring of criminal and civil court calendars, and implementing the standards, goals, rules, and regulations regarding the administration of the judicial system as promulgated by the state Office of Court Administration.

Caseload Information

The latest caseload information which was available is for 1977. This information is presented in *Exhibit 2* on the following pages.

Incidence of Court Training

In addition to the national training programs which are available to both judicial and non-judicial court personnel, the state's Office of Court Administration sponsors education and training programs. As part of the movement toward centralized court administration and standardization of operations, it has gradually increased the numbers and types of programs it sponsors and strongly encourages judicial and non-judicial personnel to attend in-state programs when they seek training.

Examples of state judicial training include a mandatory orientation seminar for newly elected and newly appointed judges, sentencing institutes for Supreme Court justices and County Court judges, special seminars for judges from the different courts: City, County, Surrogate's, and Family, and a conference for all trial judges of the state. These programs cover a wide variety of topics in the role and functions of judges and new developments in the law. The state also conducts mandatory training courses for Town and Village Court judges, most of whom are not admitted to practice law.

Training and education programs for non-judicial court personnel are usually co-sponsored by the state and non-judicial court personnel associations and groups in the state. These programs include seminars, workshops, and conferences for shorthand reporters, Family Court clerks, Supreme and County Court clerks, chief clerks of Surrogate's Courts, commissioners of jurors, and Town and Village Court clerks.

The Chief Administrative Judge of the eighth district estimates that approximately 50 percent of the 87 trial judges in the district have attended state-sponsored training, either the orientation session (some judges were on the bench before the orientation program was established) or the annual conference. Each year 10 trial judges are selected to attend the update conference for state trial judges—six from the Supreme Court, three from the County Courts, and one from the City Courts. It is also estimated that 40 percent of the trial judges in the district have attended additional training either at privately sponsored in-state activities or national programs.

According to the Chief Administrative Judge, a smaller percentage of non-judicial court personnel, perhaps 30 percent, have participated in training activities. This participation has been almost totally in the programs co-sponsored with the non-judicial personnel association in the state, though the Chief Clerk of the City Court stated that a number of the administrative personnel in that court have also attended educational programs in court administration and management at local colleges.

During the site visit, the team interviewed nine non-supervisory trial court judges—six Supreme Court justices and three City Court judges. All nine have attended state-sponsored training activities. Only five—all Supreme Court justices—have attended one of the LEAA-sponsored training institutes. All five attended the National Judicial College. One attended a five-day NJC Regional Conference, four attended the four-week general course for judges, and one attended a five-day special anti-trust and case management seminar.

Two administrative court personnel were interviewed during the site visit: the Chief Clerk and a senior clerk from the City Court. Both have attended state and/or association sponsored training. The senior clerk has also attended a three-day and a five-day seminar at the Institute for Court Management.

Generally, there is a strong positive attitude toward training among the Supreme Court justices, including the Chief Administrative Judge. Due to the constraints, less priority is placed on training by the administrative judge of the City Court, although he speaks positively about the need for training, stressing that more than one-week of orientation should be provided for new judges. On the other hand the Chief Clerk of the City Court said he is against required training outside the court for administrative court personnel and believes that the most effective training for clerks is found on the job.

There was general agreement among all the nine trial judges in the case study that sufficient judicial training is available to meet the continuing education needs of the trial judges. The Chief Administrative Judge did say that he thinks additional attention should be focused on the training and up-grading of non-judicial court personnel. The problem routinely stated by the judges is that the required time and funding are not available to enable them to take advantage of many of the educational opportunities which are available. One Supreme Court justice said that more judges would attend programs sponsored by the state and local bar associations if they could receive funds to cover tuition fees. The Chief Administrative Judge said he and his executive assistant both want to attend a course in court administration at the Institute for Court Management or the National Judicial College, but they have been told by the Office of Court Administration that funds are not available.

Impact of Training

Based on the responses of those interviewed during the case study, the impact of training on the court system in the site has been limited. Few or none of the changes discussed earlier in the report and cited by those interviewed were attributed to training. However, the overall results of training and other educational experiences—a predisposition to changes on the part of the participants—has likely facilitated the change which has and is still occurring in the court system.

All the trial judges noted some personal changes which have occurred in recent years. Of the seven non-supervisory judges interviewed six cited changes in their professional role and responsibilities, and in the procedures used. Four noted changes in personal skills and three indicated changes had occurred in their use of resources and their

assignment of priorities. The types of changes cited include increased knowledge of substantive areas of the law, changing perceptions of the judge's role and functions, and improved ability to perform judicial functions and manage trials. Three examples were given of personally initiated changes in procedures: improved sentencing procedures, distribution of a written jury deliberation sheet, and an improved process for making calendar assignments. Only the change in calendar assignments was attributed to training experiences—specifically to the justice's attendance at the four-week course at NJC. Most judges attributed personal changes to experience on the job, changes in the law, or changes in court administration. In one case where a Supreme Court justice serves as a member of the NJC faculty, change was attributed primarily to the involvement in teaching activities.

Six of the seven non-supervisory judges said they believed the overall results of personal changes imposed by the law and administrative initiatives had influenced the operation of the courts, generally resulting in improvements in the quality of justice and increased efficiency. Only one justice cited a negative impact on the quality of justice, attributing it to an expanded caseload and the resulting heavier emphasis on productivity.

The two supervisory judges interviewed perceived that training had a somewhat greater impact than did the trial judges. The Chief Administrative Judge said he had recognized improved personal abilities of the judges to perform their judicial functions, increased knowledge of substantive areas of the law, and greater confidence on the part of judges. He attributed these changes in large part to training and the resulting opportunities judges have to get together and exchange ideas. The administrative judge of the City Court stated that in one case a judge's training at NJC sparked significant personal growth and development and the confidence to seek election to the Supreme Court. Cited as one of the greatest benefits of training is the opportunity to meet and interact with other judges from different areas.

All the judges who attended NJC expressed generally positive responses. One of the five attended training at NJC more than ten years ago. Another serves as faculty at NJC and was, therefore, not interviewed as a participant because of the strong positive bias toward the institution. Of the remaining three, two judges attended the four-week general course for judges and one of those two attended an NJC regional conference. Both said that overall the programs are excellent and they strongly recommend NJC. Strengths cited are the relevance of the program to the professional needs of judges, the quality of faculty and training and the opportunity to interact with other judges. Weaknesses they identified include the large size of classes, the need to provide more contact with faculty, the length of the program, and the adequacy of the lodging (dormitories).

The justice who attended the special seminar on anti-trust and case management had a positive reaction to NJC, although the seminar was not totally applicable to his needs since his court is not now involved in class action suits which fall under federal law. He did say that the program was well-planned and executed. The major benefit of the training for him was the opportunity to interact with judges from numerous other states and regions.

Since the incidence of training among the non-judicial personnel in the eighth district has been very limited, it has not had discernible impact on the system. Systemic changes which have occurred are primarily the result of changes at the state level or actions taken by the administrative judges. Also, since the only court administrative personnel included in the case study are in the City Court, information on changes and the specific results of training activities in the other courts is not available.

The senior clerk included in the study has attended two seminars at the Institute for Court Management: a five-day seminar on misdemeanors and a three-day seminar on screening. Her reaction is that these particular programs were not geared to her needs as a clerk in a large court system since they focused on small courts. She has not attempted to make any changes as a result of the training experiences. However, she did say that the faculty were expert and that she would like to attend ICM again for the six-week course. She also commented that the National Association of Court Administrators had excellent training programs, geared to her court system, and far more accessible than ICM.

THE APPELLATE COURTS AND TRAINING

Organization

The *Court of Appeals* is composed of seven judges. As a result of the adoption of constitutional amendments by the voters in 1977, the Court of Appeals judges are now appointed by the Governor from persons recommended by a twelve-member bipartisan judicial nominating commission. The judges serve terms of 14 years and receive an annual salary of \$80,575. The Chief Judge receives \$83,143. Five members of the Court of Appeals constitute a quorum. If the caseload requires, the Governor may designate up to four justices of the Supreme Court to sit temporarily on the Court of Appeals.

The Appellate Divisions comprise 24 justices organized according to the four judicial departments of the state. The 1st and 3rd divisions consist of seven justices each and the 3rd and 4th divisions have five justices each. In addition, if speedy disposition of business requires, a division may request and the Governor may designate additional justices to a particular division. The Governor has temporarily designated eleven justices and eight certificated retired justices to the Appellate Divisions. The site of the case study is located in the 4th judicial department. The justices of the Appellate Divisions are appointed to five-year terms by the Governor from those justices elected by the voters to the Supreme Court. Their annual salary is \$51,627. The Presiding Justices receive \$55,266 annually.

Appellate Terms are established as needed by the justices of an Appellate Division. Appellate Terms consist of from three to five justices sitting in panels of no more than three. The Appellate Terms justices are selected by the Chief Administrator with approval of the Appellate Division's Presiding Justice. Their terms of service vary. The annual salary of the Appellate Terms justices is \$48,998.

Management

Authority for the management or administration of the Court of Appeals, as well as the other courts of the unified state court system, is vested in the Chief Judge of the Court of Appeals. The Chief Judge appoints a Chief Administrator of the Courts with advice and consent of the Administrative Board of the Courts, which consists of the Chief Judge and the Presiding Justices of the Appellate Divisions. The Chief Administrator, on behalf of the Chief Judge, supervises the administration of the unified court system.

Rule-making authority is constitutionally divided between the legislature and the courts. The legislature may delegate its authority to any court or to the Chief Administrator. The Chief Judge, after consultation with the Administrative Board, establishes standards and administrative policies for general application throughout the state. The Office of Court Administration is composed of the following offices: Counsel, Budget and Finance, Management and Planning, Court Information, Personnel, Education and Training, Equal Employment Opportunity, Administrative Services, and Public Information. Working through these offices the Chief Administrator is responsible for preparation of the unified judicial budget, maintenance of a non-judicial personnel system, preparation of statistical reports for monitoring standards and goals, and direction of policies relating to court forms, files, and records.

Although the Chief Judge establishes standards and administrative policies for the entire court system, the Appellate Divisions maintain administrative authority over their courts, and each appellate court has the authority to prescribe its own rules. Each Appellate Division has a Presiding Justice who is responsible for the administration of the division's court.

Incidence of Training

The only information on the incidence of training in the appellate courts was derived from two Appellate Division justices interviewed during the case study. The state does not sponsor training and educational programs designed specifically for appellate justices.

One of the justices, who has been on the appellate court only two years, participated in training as a trial judge prior to appointment to the Appellate Division. She attended the one-week orientation program for the new judges and the annual update on current law, both sponsored by the state. This same justice indicated that she had applied to attend NJC, but was told that funding was not available. She also noted a lack of time, other than vacation, to attend training because of the heavy workload in the Appellate Division.

The other appellate justice interviewed has been in the Appellate Division for 11 years. During the last eight years he has attended training twice, in both cases the 10-day Appellate Seminar sponsored by the Appellate Judges Conference of the American Bar Association. He shared the cost of the training with the state.

Impact of Training

Since little information is available on training in the appellate courts, it is impossible to assess its impact. The changes reported by the newest of the two appellate justices related to her earlier experience in the trial court. This same justice noted personal changes such as increased knowledge of administrative appeals and improvement in writing opinions which she attributed to experience on the job. Changes in the use of resources resulted with the improvement of the research staff. She cited this improvement as the source of increased efficiency in the operations of the court in the particular Appellate Division.

The other appellate justice noted increased state efforts to organize the courts, but no personal changes. He reacted positively to the training he received at the Appellate Judges Conference, indicating that it was worthwhile, that he would like to return, and that he had shared materials and recommended the program to others. He also said he knew more when he returned from the seminars, but was uncertain about the specifics of the knowledge obtained or his ability to demonstrate it, stating only that he has attempted to make small personal changes as a result of the educational experience.

THE PROSECUTOR SYSTEM

Organization

The District Attorney's Office is responsible for the prosecution of all crimes and offenses as defined by the State Penal Law and other state statutes. The Office is also responsible for conducting criminal investigations in such areas as corruption of public officials, organized crime, insurance fraud, welfare fraud and white collar crime.

The Office is headed by an elected District Attorney. Serving under him are 63 assistant district attorneys, three criminal law associates (law school graduates awaiting the result of the Bar Examination), seven criminal investigators, and 29 clerical support persons. This staff is divided into 10 bureaus, each headed by a Bureau Chief. The bureaus are: Justice Court Bureau, City Court Bureau, Administrative Bureau, Case Analysis and Complaint Bureau, Grand Jury Bureau, Superior Court Bureau, Appeals Bureau, Organized Crime Bureau, Narcotics Bureau, and the Consumer Fraud Bureau.

Management

The management of the prosecutor system is the responsibility of the District Attorney. He has overall responsibility for financial and personnel management, as well as the prosecution of cases. He is assisted in the management function by an Executive Assistant District Attorney who serves in a staff position to help ensure effective performance of administrative functions. To facilitate the management of the person-

nel and prosecution caseload, the bureaus of the Office are organized into two divisions: an administrative division and a prosecution division. The heads of these divisions monitor activities and personnel in their assigned areas. In addition to this management structure, the bureau chiefs provide supervision for activities in their bureaus.

Caseload Information

The Office of the District Attorney handles approximately 35,000 felonies and misdemeanors each year. Further breakdown of this caseload was not available.

Incidence of Training

Nine assistant district attorneys interviewed during the case study have attended the National College of District Attorneys. Their average number of years of professional experience was 10, with the number of years of law/court related experience averaging 8 years. The average tenure in the District Attorney's Office is 6 years.

Since 1971, the 9 participants attended a total of 37 training courses, ranging from one to 15 days in duration. On the average, participants spend 5.5 days per course. Of the total courses attended, 17 were NCDA and three of those were the three-week Career Prosecutor Course. At least six courses sponsored by the State Department of Criminal Justice Services were also attended, as well as four courses given by the Cornell Institute on Organized Crime. Other sponsors mentioned included the District Attorney's Office and the State District Attorneys Association.

Of the eight comparison interviewees, all had an average of five years of law/court related experience. All went directly from law school to work in the District Attorney's Office. Since 1975, a total of 13 training courses were attended by five members of the comparison group (three of the eight had no training at all). Over half (seven) of the 13 courses were sponsored by the State Department of Criminal Justice Services. Other sponsors identified were the State District Attorneys Association and the State Bar Association.

Impact of Training

The District Attorney's Office strongly supports training, a fact substantiated by two supervisor interviews. Both supervisors observed that currently more assistant district attorneys are beginning to view prosecution as a career rather than as a stepping stone in the career path. Both supervisors felt this change in attitude was partially attributable to training courses such as those provided by the National College of District Attorneys and the Cornell Institute on Organized Crime.

Most of the comparison group attributed personal changes to experience on the job. Some respondents also pointed out system changes which resulted in their own personal change. One comparison interviewee mentioned that he had personally bene-

fitted from other district attorneys' training at NCDA, specifically citing a "vertical prosecution" technique which was learned there and implemented in the District Attorney's Office.

Of the nine participants interviewed, the majority agreed that the NCDA course attended was very applicable to their particular system. Virtually all participants agreed that training was encouraged by their organization. This fact is further substantiated by evidence that the District Attorney's Office paid for almost all the training attended by both participants and comparison persons.

When responding to questions regarding the ability of faculty, again most respondents agreed that the NCDA instructors were quite knowledgeable in practical experience, teaching ability, and substantive knowledge.

All nine respondents expressed a desire to return to the College in the future, with many citing specific courses they would like to attend. Most continue to use the NCDA's materials, as well as share them with others. Although seven of the nine participants have not attempted to make any organizational changes relating to their learning experience, six have attempted to make personal changes.

Comments on the strengths and weaknesses of the College varied greatly, depending on the particular course attended. One participant commented favorably on the value of using simulation and role playing to sharpen trial techniques, while another criticized the course he attended as having too much lecture and no role playing. Another criticism mentioned frequently was that too much material was covered in too short a period of time.

Several participants mentioned the benefit of meeting and making contacts with other peers as one of the primary strengths of the College. Another strength commented on by several persons was the benefit of receiving a renewed enthusiasm for work. This was also underscored by one supervisor who said: "Training works—the overall difference is obvious. I've seen the results in the total professional approach of our office."

THE DEFENDER SYSTEM

Organization

Two separate entities provide indigent defense services in this site. The County Bar Association Aid to Indigent Prisoners, Inc. assigns counsel to those persons who are unable to retain private counsel. With the exception of the City Court, the Society provides defendants with assigned counsel in all of the county's criminal courts. Approximately 450 trial lawyers participate in this organization and receive payment of from \$15 to \$25 per hour for court room and preparation time. They may earn as much as \$500 for a misdemeanor or \$750 for a felony case.

Counsel for defendants in the City Court is provided by the Legal Aid Bureau. This organization is a private, not-for-profit corporation which is funded partially by the United Way, the National Legal Services Corporation, and both the city and the county. The Legal Aid Bureau employs 35 full-time attorneys, four full-time investigators, five Law Guardians, a number of participating law students, and 35 additional staff members including para-legals and other support personnel.

The Legal Aid Bureau is divided into three divisions: the Civil Division, Appeals Division, and Public Defender Division. In addition, it provides legal counseling for the elderly and is responsible for administration of a drug center. Of the total number of full-time attorneys, eight are assigned to the Public Defender Division. This division handles all indigent defense cases in the City Court. In felony cases, the holding of the accused for Grand Jury concludes the Public Defender's function. Counsel is then assigned by the Legal Aid Society, Inc.

Management

The Aid to Indigent Prisoners, Inc. is funded totally by the county, but the Board of Directors of the County Bar Association are responsible for its administration. Its annual budget is \$525,000. Each year there is a general solicitation among the County Bar Association's members to participate in the society. During this solicitation, lawyers may indicate the kinds of cases they prefer, which courts they prefer, and those cases which they will not accept. While rotation is normally used to assign cases, every effort is made to match a lawyer's particular skill to a particular case. However, no lawyer is permitted to take more than 6 cases at a time.

Management of the Legal Aid Bureau is the responsibility of the Public Defender. The Public Defender Division did not cooperate in the case study, and as a result more detailed information on the management of the bureau and its budget and caseload were not available.

Caseload Information

The total number of cases processed each year by the Aid to Indigent Prisoners of the County Bar Association is 4,500. An estimated 300 to 400 individuals qualify for the services of the Society each month.

The caseload of the Legal Aid Bureau is estimated at 7,200 per year, with an average of 900 cases per defender per year.

Incidence of Training

No present members of this office were listed as participants by the eight training institutes. However, two assistant district attorneys who were interviewed had been public defenders during the previous six months. In addition, four private attorneys were interviewed who did some indigent defense work.

Of six National College of Criminal Defense Lawyers and Public Defenders (NCCDLPD) participants interviewed, five respondents had an average of five years of experience in the profession. One participant had 17 years of experience, but was the exception in this case. Therefore, the majority of NCCDLPD respondents were at a relatively early stage in their careers.

The total number of courses attended by the six participants was 17. Each interviewee attended an average of six days of training between 1974 and 1979. Nine courses at NCCDLPD were attended, as well as five courses sponsored by the State and County Bar Associations. Of the six persons interviewed, two paid their own expenses for every training course attended. The remaining participants had training paid for by their firm or office. All respondents reported their organizations to be either neutral or encouraging toward training.

Impact of Training

Five of the six respondents felt that the NCCDLPD training experience was very applicable to both the needs of their organization as well as the general needs of the profession. One person felt the training focused too much on Federal laws and practices and as a result, said it was less than adequate in responding to the needs of his system. However, all participants agreed that they would like to return to the college for other sessions in the future, with one respondent suggesting that NCCDLPD should conduct more regional seminars to lessen the expense to participants. Along the same line, the State Bar Association won praise from several interviewees who felt they presented excellent training with minimal expense to the attendees.

All participants were in agreement that the instructors were quite knowledgeable in both substantive knowledge and practical experience. Five continue to share materials with others in their offices. One participant was distressed that he has not received any materials or announcements from the college since his training.

General comments regarding strengths and weaknesses varied. Weaknesses expressed included the need for more clinical emphasis, more videotaping, less repetitiveness and more emphasis on the law. Another complaint expressed by two participants was that instructors were spending too much time telling personal vignettes and "war stories" and not enough time on pertinent subjects.

One strength frequently mentioned was the value of bringing defenders together. As one participant said, bringing people together is one of the NCCDLPD's major strengths, "because it's important to know you have *national* objectives for criminal defense lawyers," and that others around the country are trying to achieve the same things you are.

INCIDENCE OF TRAINING IN EIGHT INSTITUTES

Role Group	Total Number At Site	Number Interviewed On Site	Number of Training Participants	Others Interviewed On Site	Mail Questionnaires Distributed
Appellate Judges	5 (in fourth judicial de- partment)	2	AJC - 1	Comparisons - 1 Supervisors - 0	0
Trial Judges	44	9	NJC - 3	Comparisons - 4 Supervisors - 2	NJC - 1
Court Ad- ministrators	Not Available	2	ICM - 1	Comparisons - 0 Supervisors - 1	0
Prosecutors	63	21	NCDA - 9 NCCDLPD - 2	Comparisons - 8 Supervisors - 2	NCDA - 3 NITA - 2
Defenders	35 Full-time 450 Part-time	0		Comparisons - 0 Supervisors - 0	3
Private Attorneys	Not Available	4	NCCDLPD - 4	Comparisons - 0 Supervisors - 0	0
Others	Not Available	1		Comparisons - 1 Supervisors - 0	ICM - 1 NJC - 1

CASELOAD INFORMATION

**Supreme Court
Civil Actions Received and Disposed**

	Entire Judicial District		Site County Only	
	Received	Disposed	Received	Disposed
Motor Vehicle	1,388	1,621	1,048	1,186
Medical Malpractice	86	71	59	53
Other Tort	659	507	502	337
Contract	507	565	333	374
Matrimonial	5,923	5,748	3,594	3,396
Tax Certiorari	6	12	2	0
Condemnation	15	11	12	5
All Other	<u>232</u>	<u>247</u>	<u>143</u>	<u>150</u>
Total	8,821	8,782	5,693	5,501

**County Court
Civil Actions Received and Disposed**

	Entire Judicial District		Site County Only	
	Received	Disposed	Received	Disposed
Motor Vehicle	3	6	2	3
Medical Malpractice	-	-	-	-
Other Tort	5	4	-	-
Contract	42	54	2	7
Tax Certiorari	-	-	-	-
Condemnation	-	-	-	-
All Other	<u>21</u>	<u>18</u>	<u>6</u>	<u>5</u>
Total	71	82	10	15

**The Supreme Court and County Courts
Indictments Filed, Arraignments, Dispositions, Youthful Offenders
and Sentences**

	Entire Judicial District	Site County Only
Indictments Found by Grand Jury	2,293	1,016
Arraignments	2,563	1,304
Indictments Dismissed by Court	455	179
Pleas of Guilty	1,694	790
Acquittals	91	64

**The Supreme Court and County Courts
Indictments Filed, Arraignments, Dispositions, Youthful Offenders
and Sentences
(Continued)**

	Entire Judicial District	Site County Only
Convictions	138	81
Trials through Proof Completed	220	145
Mistrials	25	20
Disagreements	4	2
Youth Offenders	334	98
Sentences Imposed	1,461	692

Surrogates Court Proceedings

	Entire Judicial District	Site County Only
Probate Proceedings	16,535	9,521
Administration Proceedings	2,763	1,918
Accounting Proceedings	4,130	2,657
Guardianship Proceedings	1,270	627
Adoption Proceedings	474	337
Other Proceedings	493	407

Family Court Proceedings

	Entire Judicial District	Site County Only
Child Protective Proceedings	606	293
Child Protective Proceedings Involving Child Abuse	90	53
Persons in Need of Supervision Proceedings	884	589
Juvenile Delinquency Proceedings	1,694	1,181

City Court Criminal Division

Cases on Hand January 1st	1,284
Defendants Arraigned and Transferred	14,170
Defendants Returned on Warrant	1,166
Felony Dispositions	1,973
Misdemeanor Dispositions	5,592
Ordinance Dispositions	669
Motor Vehicle Offenses Disposed	2,283

City Court Civil Division

Summonses Filed	15,576
Default Without Joinder	3,186
Settled, Discontinued or Dismissed	3,083
Settled, Discontinued During Trial	32
Non-Jury Trials	98
Jury Trials (Plaintiff)	31
Jury Trials (Defendant)	26
Disagreements	0
Inquest before Court	259
Inquest before Clerk	13,331
Contested Motions	1,955
Summary Judgments Granted	200
Summary Judgments Denied	22
Bills of Particular	116
Jury Demands (Plaintiff)	267
Jury Demands (Defendant)	207
Summary Proceedings (Landlord & Tenant)	4,670

CASE STUDY NUMBER 3

CASE STUDY NUMBER 3

SUMMARY OF FINDINGS

This report presents the findings of a study of the incidence and results of training among judges, prosecutors, defenders, and non-judicial personnel in a large metropolitan judicial system in the United States. The case study is based on a review of the structure and operations of the judicial system, the courts and related agencies, and on interviews with judges, prosecutors, defenders, and administrative personnel. The following summary provides a brief description of the findings of this case study.

MAJOR CHANGES AND TRENDS IN THE JURISDICTION

In 1969, this judicial system became unified as the result of an amendment to the state constitution. In the last few years, changes in civil and criminal procedure have resulted from the actions of Supreme Court committees which address new legislation and which revise rules of procedure, especially in the area of criminal law. Examples of new rules and procedures include the 180-day rule for criminal cases and the establishment of an investigative grand jury.

The computerization of court records has increased the efficiency of the courts, and the employment of additional non-law trained administrators has allowed judges and attorneys more time to concentrate on the legal aspects of their cases.

The implementation of the One Day/One Trial jury system in 1978 has improved juror utilization within the county, in terms of cost effectiveness, positive citizen response, and the quality of jury composition.

INCIDENCE OF TRAINING IN THE JURISDICTION

The appellate judges interviewed had attended several types of training on the national level. All five had attended or taught at the Appellate Judges Conference of the ABA. Both federal district judges interviewed had attended the Appellate Judges Seminar sponsored by IJA and had attended courses at the Federal Judicial Center. Two of the state appellate judges had attended NJC twice. *Exhibit 1* provides statistics on training at this site.

The trial judges also have a high incidence of training, if both national and state programs are considered. Of the 32 interviewed, 30 had attended some type of training within the last few years. Twelve of the 32 judges had attended an LEAA-funded institution, either the National Judicial College, or the American Academy of Judicial Education. One judge was also a faculty member at the National Institute for Trial Advocacy. But neither the Presiding Judge of the Court of Common Pleas nor the Chief Administrative Judge of the Criminal Division is particularly supportive of national training. Rather, they believe that the training provided by the state, primarily refresher courses in substantive law, is sufficient as continuing legal education for judges. There was no indication that training for the non-judicial personnel is available or that any had ever attended training programs.

The District Attorney's Office had a high incidence of training. Ten of the 13 attorneys interviewed had participated in training. Nine of them attended the NCDA Career Prosecutor course. Five short seminars sponsored by NCDA were also attended by assistant district attorneys. Supervisors in the office strongly support the commitment to continuing education for prosecutors and have initiated in-house training, using NCDA materials. Approximately three assistant district attorneys attend NCDA for the Career Prosecutor course each year.

The Public Defender's Office says it does not have funds available for training, and those defenders interviewed complained about the need to finance their own training if they desire to attend an educational program. Three defenders were interviewed, and only one had attended the National College of Criminal Defense Lawyers and Public Defenders, for two short seminars. All three expressed interest in attending the residential course in Houston, but the lack of funds prevents their attendance. There had been little attempt to initiate in-house training for the public defender's staff.

Court administration personnel who were interviewed regarding training had each gone to two or more courses in the last few years. The chief administrator of the trial courts listed several individuals from his office who had gone and is strongly supportive of training. One of his staff members attended both NJC and ICM. Two clerks and a management analyst in the U.S. District Court were trained at ICM and other federally-funded programs. Their supervisors encourage training, especially at ICM, because of the positive effects on those who attended previously.

IMPACT OF TRAINING IN THE JURISDICTION

The area in which the effect of training is most visible in the court system is in court administration. The impact here is most obvious because changes in administrative procedures have been tangible and immediate. The impact has been seen within a short time subsequent to implementation of new ideas. Examples are computerization of court records, improved case management, and new jury selection systems.

The appellate judges in the county courts noted that several changes within the system had taken place due to national training (e.g., implementation of LEXIS and improved screening of cases). A few of the federal judges felt that their writing skills had been improved through training courses, and all judges appreciated the opportunity to exchange ideas with other judges. The trial judges noted that improvements in their personal skills and an increased understanding of their roles as judges were primary changes they could attribute to training.

The impact on the prosecutors was primarily in such areas as refining advocacy skills in the courtroom and improvement of case preparation. No tangible evidence exists concerning the effects of training among the defender group.

DESCRIPTION OF THE AREA

The site of this case study is a city located in the second largest county of a state in the northeast region of the United States. In 1976 the population of the city was 449,000, and the population of the metropolitan area was 2,303,000. Available statistics for 1977 indicate that the per capita personal income was \$7,011, and the median family income was \$14,153. The city is an industrial center for steel manufacturing, electrical goods, tin plate, aluminum and other ferrous metals. Other products manufactured here are glass, cement, paint and food products.

COURT JURISDICTIONS

The voters of the state adopted a new constitutional article within the past ten years which brought about several changes in the state's judiciary, including a unified court system under the administration of the state Supreme Court and a reduction in the number of judges and courts of limited jurisdiction.

The judicial power of the state is contained in a unified system consisting of the Supreme Court, the Superior Court, the Commonwealth Court, the Court of Common Pleas, community courts, municipal and traffic courts in the largest city, and justices of the peace.

In addition to the Supreme Court, which is the court of last resort, there are two intermediate appellate courts, the Superior Court and the Commonwealth Court. Each of the three appellate courts has seven justices or judges. The Court of Common Pleas is the only court of general jurisdiction in the state.

Two of the largest cities in the state have special city courts, but aside from these, the state has only one type of limited jurisdiction court — the district justice court. All counties, with one exception, are divided into magisterial districts with one justice of the peace per district.

The new constitutional article created community courts, which are optional with the voters of each county and which would replace the existing district justice courts or special city courts. To date, none has been established.

LOWER COURTS

The court system of the case study city has two sets of lower courts — the district justice courts and the city magistrate court.

There are 55 elected district magistrates whose geographical jurisdictions are established by the Presiding Judge of the County Court of Common Pleas. The district magistrates are considered to be part of the unified judicial system. They hold jurisdiction in all matters not within the jurisdiction of the city magistrates court. They have jurisdiction in summary matters, civil claims, landlord-tenant matters, civil claims of \$2,000 or less, in such areas as assumpsit, trespass, and fines, and in penalties by any government agency. Their duties involve presiding at arraignments, setting of bail, and other requirements of the criminal process. They can hear most misdemeanors of the third class, provided that the defendant pleads guilty, that any personal injury or property damage is less than \$100, or that the misdemeanor is not resulting from a reduced charge. The practices, procedures and rules of the district justice courts are established by the Supreme Court, by rules promulgated in 1970.

The city magistrates are appointed by the mayor and serve for the same term as the mayor — four years. Their jurisdiction includes ordinance violations, summary traffic offenses, and civil claims for the recovery of ordinance fines. They may hold arraignments at preliminary hearings. The city police are instructed to use the city magistrates whenever possible. The district justice courts may hear their cases when the city courts are closed. Otherwise, the city magistrates have an exclusive jurisdiction.

The number of judges in the city magistrates courts has been set by statute at between five and eight. They must either be members of the bar or have completed a training course prior to taking office.

Courts of initial jurisdiction in the state are not courts of record; appeals may be heard from their decisions at trials *de novo* in the Court of Common Pleas.

TRIAL COURTS

The Court of Common Pleas, the trial court of this county, consists of four major divisions: Civil, Criminal, Family, and Orphans. This court has unlimited original jurisdiction in all cases except as otherwise provided. It has appellate jurisdiction over final orders of specified government agencies. In addition, it has exclusive jurisdiction over orders of the minor judiciary. The court can make rules that are consistent with the rules of the Supreme Court.

The Civil Division of the court has general and unlimited jurisdiction in all court matters except those specifically assigned to other divisions, such as criminal, juvenile, domestic relations and probate matters. In general, it handles cases of a non-criminal nature having to do with equity or damage.

Among the four divisions of the court, the Family Division is the most complex administratively, being subdivided into adult and juvenile areas. The Adult Section handles support, custody, equity and divorce cases. The juvenile section is involved with deprived and delinquent children. Juvenile court judges select their own staff, while judges in other areas of the Common Pleas Court do not have that privilege.

APPELLATE COURTS

The State has one court of last resort and two intermediate appellate courts. The Supreme Court is the court of last resort and sits in eastern, western, and central sections of the state at regular sessions. The case study city hosts the court during the spring and fall. The Supreme Court has some original jurisdiction involving matters of writ of habeas corpus, mandamus, prohibition, and quo warranto. It may hear some cases on appeal directly from the Courts of Common Pleas such as felonious homicide, right to public office, suppression of a district attorney by the Attorney General, etc. In general its appellate authority is to review any decision of the two intermediate appellate courts.

The Supreme Court is the principal rule-making authority for the courts and may prescribe rules for all courts in the state. It can suspend laws that are inconsistent with court rules, providing the rules are consistent with the Constitution. It cannot enlarge by its rule-making power the authority of a court beyond the jurisdiction determined for it by the General Assembly. Within these limitations, its rules have the force of law and more.

INTERMEDIATE APPELLATE COURTS

The two intermediate appellate courts are the Superior Court, which has constitutional status, and the Commonwealth Court, an appellate court of limited jurisdiction, hearing appeals involving commonwealth officers or administrative agencies. The Superior Court has original jurisdiction, ancillary mandamus or prohibition to inferior courts and ancillary habeas corpus. In matters which are appealed, the Superior Court has jurisdiction in tort, contract, domestic relations, nongovernmental equity (except eminent domain and non-profit corporation matters), most criminal cases, and in all matters not appealable to the Supreme Court or the Commonwealth Court.

The Commonwealth Court has exclusive jurisdiction in actions against the state and its entities except eminent domain, non-ancillary habeas corpus and post-conviction relief. It possesses jurisdiction in public employee arbitration and in certain local debt matters. Its appellate jurisdiction involves actions by or against commonwealth

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entities with the exceptions noted above. Its appeals cover violations of rules or orders of commonwealth agencies, appeals from commonwealth agencies, local government cases, eminent domain matters, and matters dealing with non-profit corporations (except charitable corporations).

*Crime Rates, System
Changes, and Other
Trends over the Past Five Years*

The most recent statistics available on crime rates in the city and county are for 1977. They indicate that 105,104 incidents of crime were reported to police agencies in that year. This represents a decrease of 9.7 percent from the preceding year, reversing a trend of crime rate increases which had existed for quite some time.

Changes in the court system of this state are most frequently the responsibility of Supreme Court committees, on which a number of the county's judges serve. For example, the Civil Procedural Rules Committee is addressing the problem of adjusting the state's procedural rules to new legislation enacted by the legislature and adjusting the court's procedures to the continuing due process and equal protection revolution. Rules affording protection from abuse and medical malpractice, and setting procedures for class action suits are areas which have been recently addressed by this committee. In the long run, the responsiveness of the court's rules to such on-going trends should markedly change the system of civil procedure in the state.

A similar body has been at work on criminal procedural rules. This committee has been assisting the court in two ways: through its recommendations to the Supreme Court that changes are presently needed in specific areas of criminal procedure, and by carrying out broad studies, in cooperation with the criminal justice community, to plan for future revisions of criminal procedure. It has broadly revised the rules of criminal procedure, especially pretrial procedures; has shortened the time period for arraignments; and has instituted omnibus hearings for pretrial motions and discovery. In addition, it has substantially revised rules dealing with change of venue, challenges to guilty pleas, suppression of evidence, challenges to grand jurors, sentencing procedures, jury selection and challenges, waiver and assignment of counsel, and preliminary hearings. These changes indicate a massive revision of the criminal process in the state court system, affecting every level of activity, from initial appearance to appeal to the court of last resort.

Similar changes have been undertaken by other committees of the Supreme Court, including the Orphans' Court Rules Committee, the Minor Court Civil Procedural Rules Committee, the Advisory Committee on Appellate Court Rules, and the Committee for Proposed Standard Jury Instruction. The Juvenile Court Judges Commission, whose members are appointed by the Governor, spends much of its time upgrading the professional competency of probation officers through training institutes. It has recently established a bi-monthly newsletter regarding information about new regulations, laws, rules and decisions concerning juveniles.

The Court of Common Pleas implemented a One Day/One Trial jury system in 1978. Prior to that time, the county had utilized a system whereby the juror was summoned for two weeks' service, with early dismissals in the second week of service. The new system limits jury duty to one day if one is not selected for a trial, or to the length of the jury trial if one is selected. The court established five specific objectives in initiating this plan which it feels have been met:

- *To provide a larger percentage of the citizens with the opportunity to participate as jurors. (During 1978, 26,819 citizens served as jurors, a 205 percent increase over the preceding year.)*
- *To reduce the impediments and hardships involved in juror service for the citizens of the county.*
- *To allow citizens from all segments of society to participate without feeling that they are wasting their time.*
- *To insure that every jury is composed of fresh jurors.*
- *To reduce the cost of jury operations to the county. (In one year, juror fees were reduced 25 percent to \$184,842.)*

THE APPELLATE COURTS AND TRAINING

Organization

The state has one court of last resort and two intermediate appellate courts. The Supreme Court is the court of last resort. The court has seven justices elected to ten year terms. The court sits periodically in each of three appellate districts. The state hosts the court during the spring and fall. The justices receive a salary of \$55,000 and the Chief Justice receives a salary of \$57,500.

The two intermediate appellate courts are the Superior Court, which has constitutional status, and the Commonwealth Court, an appellate court of limited jurisdiction hearing appeals involving commonwealth officers or administrative agencies. Both courts have seven judges who have identical qualifications and receive identical remunerations. These judges are elected to ten year terms and hold sessions normally in one of three cities in the state. They receive a salary of \$53,000, and the president judge receives \$54,500.

Management

The Chief Justice of the Supreme Court is the Court's chief administrative officer. The Chief Justice is the most senior in the service in the Supreme Court. In association with his colleagues, he exercises authority over the entire state court

system. In so doing, much of the authority of this court is delegated to the State Court Administrator, a constitutionally authorized officer, who serves at the pleasure of the Supreme Court. The responsibilities of the Court Administrator include administrative duties relating to finances, personnel management, education and training, and data collection. The administrator's office can also make recommendations for change, and its liaison with the legislature is one of its significant functions. In addition, the office collects statistical and financial information and prepares reports for the Supreme Court, related committees and the general public.

The Court Administrator receives a salary of \$50,000. The Deputy Court Administrators are divided into three areas of responsibility: Common Pleas Court Affairs, District Justice Affairs, and Fiscal Affairs. Within the office there are divisions of information services, education and training, public relations and publications, planning surveys, retirement and legal services. There is also a Law Department which provides representation to judges should they be sued. A branch of the State Court Administrator's office also oversees the activities of the legislature to attempt to determine the impact of new statutes upon the operation of the courts.

There is also a Judicial Council composed of 15 members (11 judges and four lawyers) who are appointed by the Supreme Court to serve three-year terms. The Council defines administrative powers and responsibilities. It can recommend rule changes to the Chief Justice; it can make recommendations to the legislature regarding the compensation for judges; and it can recommend changes in judicial and magisterial districts.

Caseload Information

Caseload data made available for this project were for 1977 and are as follows:

<u>Appellate Court Workload</u>	<u>1977</u>	<u>Western District</u>
<u>SUPREME COURT</u>		
• Appeals Filed	208	
• Days Court Heard Cases	1	
• Cases Argued	74	
• Cases Submitted	15	
• Opinions Filed	110	
<u>SUPERIOR COURT</u>		
• Appeals Filed	948	
• Petitions Filed	906	
• Days Heard Cases	13	
• Oral Arguments	293	
• Submitted on Briefs	184	
• Cases Opinions Filed	389	

COMMONWEALTH COURT Statistics are for entire court; regional data not available. Cases Docketed - total actions filed 2,664

Disposition

Listed for Argument	1,012
Argued	594
Continued to Future List	98
Continued Generally	9
Withdrawn Discontinued	50
Remanded, Transferred, Dismissed	14
Dismissed-Lack of Prosecution	30
Stricken From List	14
No. of Days of Argument	40.5
No opinions handed down involving current and prior year cases:	691
Cases argued before Court en banc	191
Before panel of judges	493
Consolidated as one argument	169
Submitted on briefs	34

Incidence of Training

Information regarding incidence of training among appellate judges was limited to those appellate judges interviewed — one justice of the State Supreme Court; two judges of the Superior Court, including the President Judge; and two judges of the U.S. Court of Appeals. The three state appellate judges had attended the Appellate Judges Conference (one had attended three separate conferences sponsored by AJC), and two had also attended the National Judicial College twice (one had been a participant before 1970). The Supreme Court Justice had also attended the State College of the Judiciary twice (as well as the Appellate Judges Conference, and NJC twice in the last five years).

Both Federal judges had gone to the Appellate Judges Seminar of the Institute of Judicial Administration at NYU, and one was presently teaching there. One was also on the Board of Directors of the Appellate Judges Conference, and the other also attended AJC. Both had attended courses sponsored by the Federal Judicial Center.

Impact of Training

None of the state appellate judges would attribute any direct influence of AJC to changes in their substantive knowledge of law or the courts, procedural changes, changes in personal skills or to significant changes in the use of resources or changed priorities. None seemed to be impressed with the programs of AJC. They noted that cases that were presented at AJC lacked historical depth. Topics such as administration of the appellate courts and similar ones which were felt to be needed were not discussed, and they observed that faculty had difficulty assuming control of the classes

during discussions. In general, they commented on the lack of participant esprit de corps, such as did exist at NJC. They complained about the shortness of the courses, housing facilities, and lack of knowledge of the instructors at AJC.

There still existed, however, a consensus that courses of this type are valuable because they provide a review of recent appellate decisions of both Federal and state courts. The President Judge of the Superior Court mentioned several changes within the court that did result from training. The court's system of dividing into panels was derived from an idea presented at the AJC. He also adopted the LEXIS method of computerized opinions as a result of hearing it discussed at the Conference. In addition, he has hired a chief staff attorney who now screens cases for his court in a more effective manner. This position also resulted from an AJC experience.

Both of the Federal judges felt that the Appellate Judges Conference had contributed to their development as appellate judges by assisting them in sharpening skills in writing opinions. They also noted that the contact with other judges helped expand their awareness of judicial activities and trends in other states. The more senior of the two is an educator, in charge of continuing legal education for all of the U.S. Appellate Judges for the last five years. He described the AJS program of IJA as having the highest quality of all judicial training. He was particularly impressed with its faculty because it consisted of judges who had both broad practical experience and a knowledge of theory. He himself had returned to AJS as well as to AJC and a local state university as a lecturer. He has become a major authority on opinion writing and has written a source book designed to assist appellate judges in the drafting of opinions.

THE TRIAL COURTS AND TRAINING

Organization

The general trial court of the state is the Court of Common Pleas. There are 59 judicial districts with one court per district, which corresponds roughly to county divisions. The Court of Common Pleas in the case study city consists of one district. The four major divisions are: Civil, Criminal, Family, and Orphans.

The Annual Report for 1977 listed 17 judges within the civil division; 15 judges in the Criminal Division; six judges in the Family Division, and three judges in the Orphans Court. A few of the listed judges were of senior status — that is, they had passed the mandatory retirement age but were available for judicial assignment after retirement. All judges are paid entirely by the state. The judges of the Court of Common Pleas receive a salary of \$45,000, and the Presiding Judge receives \$47,500.

All judges must be members of the bar and are elected from partisan ballots for a 10-year term. If a judge files for re-election, he runs unopposed on a nonpartisan retention ballot and may serve another ten years. An unexpired vacancy is filled by the nomination of the Governor and approved by a 2/3 majority of the senate. A person appointed in this fashion must run on the first partisan ballot at least 10 months after the vacancy occurs.

The lower court judges consist of the *district judges* and *city magistrates*. There are 55 elected district magistrates in the county whose geographical jurisdictions are established by the Presiding Judge of the Court of Common Pleas. The district judges are elected from partisan ballots to serve six-year terms; upon the completion of the term they can file for a retention election. Depending upon the population of their district, they are paid a salary by the state of between \$10,500 and \$19,500.

The *city magistrates* are appointed by the mayor and serve a term determined by him. The case study city is the only one in the state with city magistrates. The city is authorized to have between five and eight magistrates who are paid by the city.

Management

The President Judge of the Court of Common Pleas is the chief administrator of the entire court. Each division has an administrative judge who is elected to a five-year term by his peers and assists the presiding judge in administering the business of the court.

The Court Administrator of the County is appointed by the Presiding Judge. His responsibilities include implementation of any policies set by the State Court Administrator and the submission of the court's budget and records of disbursement and collection of monies to the State Court Administrator. Among his other tasks are supervision of personnel in his court, responsibility for space and equipment utilization, purchasing of supplies and services for the district, preparation of reports of the court such as case flow and calendaring, computerization of court operations, supervision of jury management, supervision of office of minor judiciary in his district, serving as liaison with the county executive, and promotion of public and press relations. The Court Administrator receives a salary of \$45,000. Two elected clerks handle the dockets in most Courts of Common Pleas. The Prothonotary is in charge of the civil docket, while the Clerk of Court is responsible for the criminal docket. Neither of these has formally assigned administrative duties.

Caseload Information

Caseload data of the Court of Common Pleas were available for 1977 and 1978 and are presented as provided by the Courts:

ORPHANS' COURT DIVISION

	1977	1978
Total Decrees of Distribution	3,856	3,714
Total Hearings	452	535
Total Petitions Filed	1,489	1,873
Total Civil Commitments	5,265	6,434
Total Decrees on Adoptions Entered	621	630
Total Petitions Presented	651	657
Total Orders of Court Decrees and Orders	2,832	2,501

FAMILY DIVISION

Adult Section

		Number of Cases	
		<u>1978</u>	<u>1979</u>
Cases Filed		10,188	10,807
Cases Disposed		13,051	13,716
Cases Pending		1,925	1,351
Divorces — 1978			
Contested	85	Indigent 1,100	Divorces Granted 5,131
Uncontested	5,157	Non-Indigent 4,142	
No. Divorces Pending 12/31/78: 111			
Collection and Disbursement of Support Monies: \$20,325,679			
Enforcement Activity: 26,249			

Juvenile Section

Cases Pending — January 1, 1978	901	
New Cases Filed	4,635	
Cases Disposed of	4,720	
Cases Pending — January 1, 1979	812	
1978 Dispositions by Intake/Probation Department	1,819	
1978 Dispositions at Final Court Hearings	<u>3,811</u>	
Total 1978 Dispositions	<u>5,630</u>	

CIVIL DIVISION

Cases pending January 1, 1978	6,744	up 3.1 percent over last year.
Cases Pending December 31, 1978	6,955	up 3.1 percent over last year.

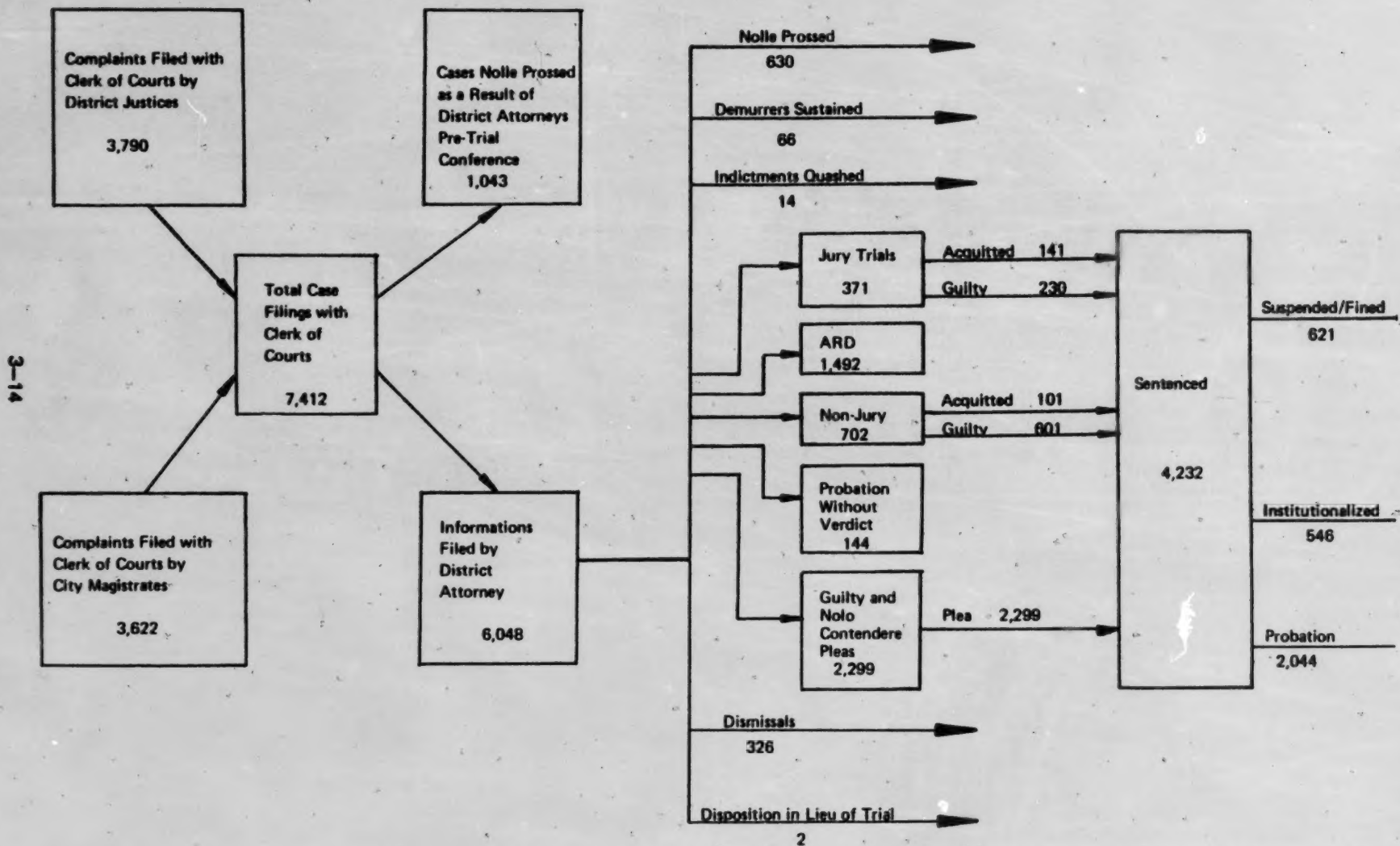
<u>Categories</u>	<u>January 1</u>	<u>December 31</u>	<u>Compared to 1977</u>
Trespass General	1,843	1,913	+ 3.8%
Trespass Motor Vehicle	1,671	1,572	-5.9%
Assumpsit	983	1,088	+10.7%
Equity	176	187	+6.3%
Miscellaneous	<u>2,071</u>	<u>2,195</u>	+6.0%
Total	6,744	6,955	

	<u>PLACED AT ISSUE</u>	<u>CASES DISPOSED</u>
Trespass General	1,041	1,005
Trespass Motor Vehicle	920	1,055
Assumpsit	681	596
Equity	133	126
Miscellaneous	<u>271</u>	<u>339</u>
	3,046	3,121
Arbitration Appeals	785	38
Statutory Appeals	<u>1,410</u>	<u>1,268</u>
	2,195	1,954
Total	<u>5,241</u>	<u>5,075</u>

METHODS OF DISPOSITION

Statutory Appeals	1,268
Conciliation	389
Settled	2,618
Jury Trial	340
Non-Jury Trial or judicial hearing	<u>459</u>
Total	<u>5,075</u>

**CRIMINAL DIVISION
Flow Diagram - 1978**



Incidence of Training

The State College of the Judiciary set up by the Supreme Court provides a mandatory orientation course for new judges. In addition, there are special courses in criminal and civil law and in sentencing. These courses, held twice yearly, are virtually mandatory. The Juvenile Judges Commission has its own program and offers courses to the judges who specialize in this phase of the law, as well as to judges of rural courts who find that the general nature of their work involves them in juvenile justice.

The State Conference of Trial Judges, which consists of most of the state's judiciary, conducts seminars, conferences and educational programs, and the local Bar Association holds seminars which also attract members of the judiciary.

The justices of the peace who are not members of the Bar must complete a training course and pass an examination at the State College of the Judiciary. Additionally, they must complete 32 hours of training during each year in office. The Administrative Office offers special seminars, plus a prison visitation program.

The total number of trial judges interviewed at this site was 32; all but one were judges in the Court of Common Pleas (the remaining one was a Federal District Judge who had been a trial judge in the county court recently and had received training in that position). The average length of tenure of these judges was eight years. Of the 32, 30 had received some type of training within the last eight years. Nine of the judges were participants in programs sponsored by the National Judicial College (NJC), and three were participants in programs sponsored by the American Academy for Judicial Education (AAJE) — both LEAA-funded institutions.

Of the nine who attended the National Judicial College, seven went to the residential course at Reno and two had been enrolled in the specialized short courses. One judge was a participant at two programs of NJC, and one had gone to both NJC and AAJE. One of the NJC participants was also a faculty member at the National Institute for Trial Advocacy (NITA).

Of the 19 judges in the "comparison" group—those who did not attend training at an institution funded by LEAA—four plan to attend NJC within the next year and one had gone to NJC before 1970 and would like to return. One judge in this group is planning to attend an AAJE course within the next few months.

The average number of courses taken by all judges within the past five years is 3.45 and within the past eight years 3.87. All but one of the judges have participated in the State College of the Judiciary seminars and several have attended seminars sponsored by the Conference of State Trial Judges.

The Presiding Judge has only been in his position for one year and felt that he could offer few observations regarding the incidence and impact of training in his court. He was not, in general, very enthusiastic about training, particularly about national training. He feels that there is plenty of training available, but little money and time to take advantage of it.

The Chief Administrative Judge of the Criminal Division supervises 14 judges, 14 law clerks, 23 minute clerks and 35 other personnel including tipstiffs and secretaries. He believes that all of the judges have gone to the State College of the Judiciary and most of them attend annually. He knows of several who have gone to the National Judicial College. He was not aware of any training attended by other personnel serving in his office.

He feels that the State College provides an excellent orientation for new judges and updates on substantive law in the annual refresher courses. His overall opinion regarding training is that there is sufficient continuing education courses for judges and believes that two weeks annually is appropriate. He was certain that funds were available for judicial training as judges requested it. The Chief Administrative Judge commented that he would never be interested in attending a long-term residential program because of the inordinate amount of time it takes and because he feels that he is as knowledgeable as the lecturers.

Two clerks of the U.S. District Court were interviewed, as well as a management analyst. All three had attended the Institute for Court Management. Two — a grand jury commissioner and a deputy courtroom clerk — had also attended programs offered by the Federal Judicial Center. The management analyst was a fellow of ICM.

One participant and one supervisor in the trial court were interviewed. The supervisor, a senior trial court administrator, had supervisory control over the administration of the district courts as well as over the trial court. Of the 32 non-judicial staff persons employed by the court, several had attended training:

- *Three persons — one administrative assistant and two deputy court administrators — had gone to the Court Administration course at NJC. One of these individuals had also attended a three-day workshop at ICM.*
- *Two members of the computer (data processing) staff had gone to Washington to attend a training program offered by IBM, concerning on-line programming.*
- *One deputy court administrator was seeking an MA degree at a local university through funding provided by the court.*

Impact of Training

It is difficult to ascertain the impact of training on the court system in this case study site because of the limited observations of the supervisors and the judges' lack of response regarding questions relating to training and changes in the system. The personnel in court administration, however, were able to cite specific changes which they attributed to training.

Most of the judges attributed increase in knowledge of substantive law, changes in procedures, personal skills, use of resources, and change in priorities to experience on the job. Only three judges mentioned training as a major catalyst of their increase

in substantive knowledge of the law/courts. Two of them cited state training and one listed NJC as the source of this change. One judge felt that his personal skills were enhanced by training at the state programs, commenting specifically about his improved understanding of evidence and rulings.

Two district justices said that they had observed an improvement in their procedures and attributed these changes to their training received at the State College of the Judiciary. One cited the trial techniques course at AAJE as the catalyst for changes that he made in the area of procedures.

More of the judges in the comparison group, who attended fewer types of training outside the state than did the participants, responded negatively to most questions regarding change, while the participant interviewees more frequently cited examples of change even though not always attributing them to training. One might observe that training may predispose its clients to change or increase awareness that change is occurring.

Most of those who had not attended other than state training felt that the only training they considered essential was the state-sponsored refresher courses in substantive law. They believe that only new judges need to attend longer sessions. Those who were not favorably impressed with state training thought that courses should not concentrate on teaching substantive law that could be learned simply by reading. They complained that the courses were taught with the assumption that all judges were of the same background, thus causing many experienced judges to be bored.

Several participants of NJC courses referred to the immediate impact of training. Several who had gone to the General Jurisdiction course at NJC as new judges appreciated the course as orientation to a new position and commented on the benefits of the course in focusing on the role of the judge.

Others felt the greatest strengths of the program were the excellence of faculty and the forum that NJC provided for an exchange of ideas among judges from all over the country. Several also cited the small group discussions as the most effective learning strategy.

Most of the NJC participants mentioned that the course contributed to their growth in confidence and to their understanding of the role of a judge.

NJC participants complained that some of the sessions were not relevant to judges from a multi-court district and suggested that the class size should be reduced.

Those involved in court administration spoke more specifically about the impact of their training on their professional roles and on the court system in which they worked. The supervisor of three of the administrators in the county court attributed several changes to the educational programs attended by his staff. He had observed changes in the demeanor and attitudes in the personnel upon their return from specific courses. For example, he found that the deputy court administrator who had gone to NJC had returned matured as a result of training and that another deputy had developed a greater sense of vocation regarding his future in the field of court administration.

He noted that several computer programmers who had gone to IBM seminars had made significant improvements in areas of monetary control, personnel operations, and management information systems.

The administrative assistant in this office, who attended both NJC and ICM, found the first course, a five-day court administration workshop, more comprehensive and better organized than the ICM course in court information systems. But he did note that he had attempted to improve management controls in the development of information systems as a result of his training at ICM. He felt that the ICM training materials were weak. Both he and his supervisors thought that the ICM tuition costs were rather prohibitive for local governments.

The personnel interviewed in the U.S. District Court had all attended ICM. The management analyst, who is a fellow of ICM, felt that there had indeed been considerable impact upon his court as a result of his training there. He included as direct effect of his program several changes: (1) the development of a meaningful evaluation instrument for deputies in the courtroom, including the quantification of some of the criteria; (2) the institution of caseload studies for his court; (3) the development of a jury selection system using voter registration lists; (4) the study of preemptory challenges; (5) the installation of a cash receipt system for accounting; (6) the reduction of paperflow through the implementation of a word processing system and (7) the coordination of a magistrate and speedy trial team designed to monitor criminal caseload and to keep the court current on criminal cases. He believed that changes he implemented improved both the quality of justice and the efficiency of the court.

The two clerks had attended ICM. The jury commissioner had taken the four-day ICM workshop on jury management and evaluation, which she felt was not relevant to her needs since it focused on state systems. She felt that a course that she had taken, sponsored by the Federal Judicial Center, where she now teaches, had improved her style of jury management.

The deputy courtroom clerk is completing his final project at ICM that will result in fellow status for him. He attributed his increased knowledge of substantive law, caseload, jury utilization and speedy trials to his work at ICM. The greatest impact on his professional role was the motivation that he received, as a result of ICM training, to begin coursework for a degree in Business Administration that will improve his general management skills and further enhance career opportunities in court administration.

He had made several changes in the area of jury selection which he said were a result of ICM training. His only criticism of the institution was the lack of communication between ICM and participants regarding requirements for internships and fellow status.

PROSECUTOR SYSTEM

Organization

The District Attorney prosecutes all criminal cases in the Criminal Court Division of the Court of Common Pleas. He is also charged by law to preserve the peace and suppress crime in areas where local authorities are unable to do so.

The District Attorney's Office consists of a staff of 67 attorneys, and 15 paralegal, investigative and clerical personnel. There are approximately 130 staff members whom the elected District Attorney supervises. The staff is organized into nine divisions: Pre-Trial, Post-Trial, General Assignment, Theft, Crimes Against Persons, Narcotics, Homicide, Priority Prosecution, and Complex Litigation.

Management

In the past few years, the District Attorney's Office has undergone several major changes which have affected its prosecuting and investigative functions. In 1977, an office reorganization assigned the full-time (previously part-time) attorneys to newly created divisions. This change resulted in the advance assignment of cases and the specialization of each assistant district attorney in one area of prosecution.

Another major change was the abolition of the grand jury system and subsequent establishment of indictment by information. This practice allows the District Attorney's Office to enter a case in the preliminary hearing stage for pre-trial screening. Consequently, only solid cases make it to trial, with better prosecution preparation and more witness contact.

The 180-day rule for criminal cases has been enforced under the principle of "justice delayed is justice denied." This rule has streamlined the total system. The DA's office has also instituted procedures for 24-hour availability to law enforcement agencies in the jurisdiction.

The recent creation of an Investigative Grand Jury has assisted the investigators in preparation of cases, especially in areas of white collar crime. The jury has the authority to subpoena witnesses and screen testimony in the preparation of indictments.

Incidence of Training

Fourteen members of the District Attorney's staff were interviewed, including ten participants, two comparisons and two supervisors. The group had an average of nine years of professional experience related to the law.

The participant and comparison respondents attended a total of thirty-one training sessions. Nine attended the National College of District Attorneys (NCDA) for the Career Prosecutors Course. Five other NCDA seminars were also attended by participants. Other training sessions included those sponsored by the state and county ABA, the National District Attorneys Association, and Northwestern University.

Impact of Training

In general, the opinions of the attorneys regarding their training at NCDA covered a wide range — from mediocre to excellent. Only one respondent was totally negative about the experience, and he had not been highly motivated to attend.

The faculty was described as being rather varied in their teaching ability and knowledge of the subject matter. Several attendees felt more experienced than some of their instructors. Those sessions repeatedly described as outstanding were Search and Seizure, and Evidence.

All except two respondents wished to return to the College, for shorter specialized courses. Some personal and systemic changes attributed to training include the modification of trial techniques, refinement of style, improved case preparation, continual use of College materials and the establishment of in-house training. All of these activities were attributed to the NCDA training.

Several participants complained that the Career Prosecutors Course was too general for their needs, that it was not sufficiently applicable to the laws of their system, and that the variance of experience among the participants caused problems. The regional differences often caused difficulty in feedback in discussions by participants who insisted "we do not do it that way."

One attorney who felt that the College was too strict and inflexible in scheduling and attendance recommended that more free time and less planned social activities be arranged so that the College would not resemble "a summer camp for wayward boys."

The most beneficial aspect cited about training was the contacts formed with other participants.

All interviewed strongly believed in continuing legal education. The supervisors support the commitment to training. Twenty assistant district attorneys have attended the NCDA Career Prosecutors Course. Approximately three district attorneys attend the College for the three-week course each year. A private grant to the office in 1977 permitted ten to attend training in Houston that year.

Support for training is further demonstrated by the establishment of in-house training on a weekly or bi-weekly basis. The office utilizes many of the NCDA materials and video-tapes for the sessions. However, due to the heavy workloads, in-house training had been temporarily discontinued at the time of our field survey. The prosecutors questioned about in-house training gave it mixed reviews; some found it beneficial, while others labeled it as totally worthless.

THE DEFENDER SYSTEM

Organization

The Public Defender's Office is headed by an appointed Chief Public Defender. All attorneys on staff, including the Chief, are considered part-time employees. This description may be misleading since the attorneys claim they work approximately 40 hours every week on indigent defenses and are barred from private criminal practice within the jurisdiction.

Management

The staff consists of 39 attorneys including six administrative attorneys, 34 full-time support staff, and five law students. The annual operating budget of the office is \$800,000, most of which covers salaries. The office has a reputation among trial lawyers and the judiciary for a high degree of professionalism. One judge, in fact, noted that the general performance and preparation of the public defenders were far superior to that of the assistant district attorneys.

Recent changes in the operation of the office included staff expansion to meet the increased demands of the system in adhering to the 180-day rule for criminal trials. The enlargement of the Public Defender's staff was concurrent with an increase in the number of assistant district attorneys.

Caseload Information

The Public Defender's Office began tabulating caseload statistics in February 1979. Since that time they have had monthly averages of 485 preliminary hearings, 153 pre-trial interviews, 792 investigative interviews, and 200 courtroom appearances including trials and sentencing hearings.

Incidence of Training

A consistent complaint among defense attorneys is their lack of funding for training. They feel that favoritism to the prosecutors is reflected in budget allocations, particularly with regard to educational funds. One respondent felt that the jurisdiction holds a "law and order" attitude which makes obtaining funds quite difficult for the defenders.

There is no training presently available within the jurisdiction for defense attorneys. Any outside training must be financed personally by the individual attorney. For this reason, very few public defenders have attended the National College of Criminal Defense Lawyers and Public Defenders (NCCDLPD).

Three defense lawyers were interviewed — one was the Director of the Public Defender's Office, one was then a public defender, and the third was a private attorney who had been in the Public Defender's Office for one year previous to his five years in private practice. The three had an average of eight years of work experience in a law-related area.

The three respondents attended a total of 14 training sessions, two of them sponsored by the NCCDLPD. Other training included local ABA seminars, the National Institute of Law and Criminal Justice, the Public Defenders' Association, the American Trial Lawyers Association, and Northwestern University.

Impact of Training

The one participant interviewed attended two different programs sponsored by NCCDLPD. He commented that the one on Electronic Surveillance was excellent, but that the course on Advanced Cross-Examination was poor because of inadequate demonstration sessions and extremely large classes.

The two comparison interviewees would like to attend the two-week course in Houston, but lack of available funds prevents their attendance.

The participant of NCCDLPD did not attribute any changes, personal or organizational, to training. He supports the goals and programs of NCCDLPD, viewing it as the only national organization that demonstrates empathy for young defense lawyers. He fears that mandatory continuing legal education will result in having to attend local ABA courses, which he finds inferior.

An attempt was made to develop in-house training at the Defender's office, but it was subsequently discovered that there is no equipment in the office to utilize the tapes.

The Director of the Public Defender's Office felt that LEAA money had been ill spent in his office because the office was forced to use money on hardware. He would like to see more funds available for education.

Exhibit 1

INCIDENCE OF TRAINING IN EIGHT INSTITUTES

Role Group	Total Number At Site	Number Interviewed On Site	Number of Training Participants	Others Interviewed On Site	Mail Questionnaires Distributed
Appellate Judges	6	3	AJC 3	Comparison 0	AAJE 1
Trial Judges	41	32	NJC 9 AAJE 3	Comparison 19 Supervisor 1	NJC 3
Court Administra- tors	Not Available	2	ICM 1	Comparison 0 Supervisor 1	ICM 3
Prosecutors	67	13	NCDA 10	Comparison 2 Supervisor 1	NCDA 1
Defenders	39	2	NCCDLPD 0	Comparison 2 Supervisor 0	
Private Attorneys	Not Available	1	NCCDLPD 1	Comparison 0 Supervisor 0	NCCDLPD 1
Others	Not Available	5	IJA 1 ICM 3	Comparison 1 Supervisor 0	

CASE STUDY NUMBER 4

CASE STUDY NUMBER 4

INTRODUCTION AND SUMMARY

The fourth case study site is a statewide unified court system in a predominantly rural state. A total of 72 participant, comparison, and peer-supervisor interviews were completed among the respective role group members employed in the state capital at state and local levels. Because of the recent large-scale changes in the court system and the attendant discontinuity in the record systems, the documentation of change is based entirely upon respondent perceptions rather than statistical records. Furthermore, it should be noted that some changes in personal and organizational procedures which could have been attributed to training may have been overshadowed by the changes mandated by the recent judicial article.

In the following case study, each component in the criminal justice system represented in the participant sample is analyzed in terms of:

- *Incidence of Courts Training Program (CTP) and other training participation by the staff;*
- *Amount of personal, organizational and systemic change perceived by respondents;*
- *Extent to which changes are attributed totally or in part to specific CTP training;*
- *General orientation of the court or agency as either service or change agent; and*
- *General relationship of office programming and operations to the utilization of training.*

The major findings for Case Study Number 4 are the following:

- *An exceptionally high percentage of court-related personnel in this site have participated in the CTP — particularly defenders, the judiciary, and administrators. In addition, judges, prosecutors, and defenders all hold annual in-state training seminars.*
- *All role groups, with the exception of prosecutors, saw significant changes in the court system within the past five years as impacting upon their roles.*
- *The amount of personal change perceived by respondents generally correlates with the amount of CTP training within the respective agency (i.e., defenders and judges saw the greatest change).*

- *The organizational impact of CTP is cited least frequently by judges, most frequently by defenders, and moderately by prosecutors and administrators.*
- *While the district and intermediate appellate courts are too new to characterize, the circuit trial court gives evidence of a change agent orientation; the Supreme Court, a service orientation. The defenders are strongly change agent oriented; the prosecutors, service-oriented; and the administrators exhibit a combination of change agent and service orientation.**
- *CTP is an integral part of the public defender programming and formation; it is considered important by appellate judges for information purposes; it is marginally useful in meeting the needs of court administrators; and it represents only one among several resources for prosecutors in meeting special needs.*

THE SETTING OF THE CASE STUDY

Case Study Number 4 focuses on a court system located in the capital of a largely rural state. The state's major industries are agriculture, mining, and manufacturing, the latter confined to the few population centers in the state. A recent judicial article unified the court system on a statewide basis, giving the state greater consistency and coordination in prosecution, indigent defense, and judgeships throughout its rural and urban areas. The major structural changes associated with the unification of the courts were:

- *The creation of an intermediate appellate court, an itinerant bench of seven members sitting in panels of three, which moves throughout the state to hear cases on appeal;*
- *The creation of a limited-jurisdiction district court system, presided over by 140 lawyer judges to replace the former magistrate system of 700 nonlawyer judges; and*
- *The institution of the Administrative Office of the Court (AOC) to oversee and coordinate the administrative functions and communications of the statewide judicial system.*

In addition, the unification made the Chief Justice of the Supreme Court the chief administrator of the statewide system and unified the administration of prosecution and indigent defense systems throughout the state.

*For purposes of this case study, a "service" orientation gives priority to efficiency in the courts; a "change agent" orientation attempts to identify and change those aspects of the criminal justice system which tend to impede the administration and the quality of justice.

Over the past seven years, the state has utilized LEAA funding and pilot programs to a high degree, most notably several grants for in-state training of court-related personnel and a Model Court Project from 1972 to 1975 which piloted the role of the court administrator in trial courts and provided special training for administrators at NJC and ICM.

The organizational structure of the court and its related criminal justice agencies is depicted in *Exhibit 1*.

The judicial system, which has all elected judges and justices, is comprised of a district court of limited jurisdiction, a circuit court of general jurisdiction, an intermediate appellate court, and the State Supreme Court. The Supreme Court hears cases on appeal on a discretionary writ basis, except those emanating from circuit courts with a sentence of death or 20 years or more imprisonment, which are referred as a matter of right.

The *state prosecutorial system*, unified under an elected Attorney General, consists of:

- *A special prosecutions unit (six prosecutors and three investigators) in the Attorney General's Office which assists, tries, and refers cases for local prosecutors and which coordinates training, does research, and implements policy decisions of the Prosecutors Advisory Council, a state-wide representative body;*
- *Fifty-six elected district attorneys (nine full-time, 47 part-time) who serve the 56 judicial circuits in the state; and*
- *One hundred and twenty elected county attorneys, all of whom may also practice privately.*

The *statewide public defender system* is anchored by a central staff cadre of 19 attorneys and several investigators who serve the larger, statewide system. The central staff functions as counselors, trainers, trial and appellate attorneys as needed, and area system administrators. The system utilizes three types of defense counsel: (1) an assigned counsel program in 31 counties whereby an attorney is paid by the case; (2) nonprofit organizations of attorneys which contract services on a county allotment basis in 80 counties; and (3) full-time district public defenders in eight counties.

The *Administrative Office of the Courts* (AOC), which technically serves as staff for the Chief Justice in executing policies and programs, is composed of four divisions: court services, administrative services, education and legal research, and the state law library. Some 1,000 administrative staff are employed throughout the state, approximately 60 of them in the state capital.

Data collection for Site 4 was performed by a three-person team working in the capital and surrounding communities over the course of four days. Because the study site was the state capital, the respondent population of participants in the LEAA-funded Courts Training Program (CTP) included most of the Supreme Court justices,

one appellate judge, local circuit and district judges, the Attorney General's staff, district attorneys, public defenders, a large portion of the staff of the Administrative Office of the Courts, and various other court-related persons including educators, corrections personnel, and private attorneys.

With few exceptions, all former participants were contacted and interviewed. A total of 40 participants were interviewed as were a comparison group of 25 and seven third-party observers or "peer-supervisors." *Exhibit 2* displays the number of respondents by role group and type. The population for each role group includes the number of persons living in or working in the study city and its environs at the time of the site visit by the study team.

Twelve persons who had participated in CTP were not interviewed. Of these, five were temporarily unavailable and are included in the mail survey; three had retired, and four had moved out of the area. Of the initial list of 49 participants supplied by the training institutes, 16 had either changed jobs or retired. Most of the job changes took place among the public defenders (the largest group). All the retirees were Supreme Court justices.

COURT RELATED TRAINING PROGRAMS

In addition to those individuals at Case Study Site 4 who have attended LEAA-funded CTP events, members of the judiciary, prosecutors, and defenders typically attend at least one privately sponsored seminar per year. Annual in-state training seminars are provided for all prosecutors and defenders (three days for each group) and circuit judges (four-and-a-half days). Upwards of 80% attendance is achieved for these seminars as the state bar grants continuing legal education (CLE) credits for participation.

It is readily apparent that the state court system is heavily committed to training, with the judges and public defenders relying more on CTP than other groups, both for basic training and for meeting special needs. For example, in 1979, \$40,000 was allocated for prosecutor training, of which \$25,000 was for in-state training of 180 state and local prosecutors, and \$11,000 for out-of-state training of 12 prosecutors. Three hundred state and local public defenders and private defense lawyers were trained in-state at a cost of \$12,000; \$6,000 was spent for out-of-state training of six defense lawyers. In addition to in-state training for all trial judges, 38 limited jurisdiction judges went out-of-state for training at a cost of \$47,000, and 20 general jurisdiction judges went at a cost of \$24,500. Appellate judges have access to out-of-state training on an annual or semi-annual basis. Professional-level administrative staff similarly have access — approximately semi-annually — to out-of-state training which relates to the needs of their office. The State Planning Agency estimates that statewide, 90 percent of LEAA funds and 60 percent of state funds are used for training.

PERCEIVED CHANGES IN THE SYSTEM

Changes which have taken place in Site 4 over the past five years have been described variously as "tremendous," "extensive," "overwhelming," and "momentous." The pivotal change, of course, was the constitutional amendment creating a unified court system, abolishing nonlawyer judges, and setting up an intermediate appellate court. The enabling legislation then created an Administrative Office of the Courts to coordinate and support the new system. The effects of this pivotal change and concomitant changes as seen by the respective role groups within the court are summarized in *Exhibit 3*. These perceptions reflect positive, optimistic feelings toward the results of court unification, both in terms of efficiency of the courts and the quality of justice.

PERSONAL CHANGES

Prior to any discussion of training each participant was asked to assess any changes in his or her substantive knowledge, procedures, skills, priorities, and use of resources over the past five years.

All role groups except judges perceived an increase in their substantive knowledge of law/courts. The judges, on the other hand, led the groups in adopting new procedures. In terms of skills improvement, 92 percent of the defenders claimed significant improvement, but only 25 percent of the judges saw improvement in their skills, which may be largely a function of number of years in the current position. Upon further questioning, only a few of these personal changes were attributed to training. Four defenders, two court administrators, and one trial judge attributed significant personal changes to training at NCCDLPD, ICM, and NJC, respectively.

When asked explicitly what influence training has had, the following responses were given by each role group:

Role Group	Desire to Return to Institute?*	(Percent "Yes")		Share Materials W. Others?	Recommend Institute to Others?
		Made Personal Change?	Made Org'l Change?		
Judges	100	67	17	67	100
Administrators	83	42	42	67	75
Prosecutors	100	40	0	80	100
Defenders	100	92	62	77	100

*Generally, the training institutes applicable to the respective groups are: for administrations, ICM; for judges, NJC, AJC, IJA or AAJE; for defenders, NCCDLPD; and prosecutors, NCDA.

IMPACT OF COURTS TRAINING PROGRAM UPON ROLE GROUPS

Based on responses to the survey questions and on the third-party observations obtained during the data collection, the study team has put together the following profile of the influence of CTP training upon each role group and the relationship between the functioning of the role groups and the national training resources. Naturally, there are instances where individuals within a role group have viewpoints which differ from their peers. In these cases, major exceptions may be noted, but the majority viewpoint is presented.

Trial Judges

On the trial court level, two circuit judges (general jurisdiction) and two district judges (limited jurisdiction) were interviewed. Both circuit judges had been trained in basic courses at NJC; one also at IJA during his tenure as an appellate judge. Only one district judge had attended CTP training — a three-day seminar at NCDA as a member of the AG's staff.

Because of the newness of the district judges and their lack of relevant training, it is clearly too early to posit any findings. Third-party observers, however, are optimistic about the potential contribution of the district judges to the criminal justice system. Almost 40 percent will attend NJC this year.

Both circuit judges attributed specific changes to attendance at NJC — one of which later contributed to the statewide revision of bail/bond practice. Another change — a 100-day time limit for case dispositions — presaged the later implementation of the Speedy Trial Act in the state. Both circuit judges are highly experienced and have contributed to the implementation of judicial reform. While neither has attended national training in the past two years, they participate annually in state judicial training and continue to apply the principles learned during their NJC training.

Intermediate Appellate Judges

Having interviewed only one of 14 judges, it is impossible to reach any conclusions regarding impact on the intermediate appellate bench. According to third-party observations, however, the intermediate appellate group has shown an openness to change and a positive attitude toward CLE. The court appears to be service oriented. The one judge interviewed had attended the AAJE's opinion writing course as well as several AJC seminars. The judge found the AJC seminars helpful in keeping abreast of Supreme Court impact decisions and in picking up practices and solutions from other jurisdictions. One such practice — the use of review staff — was incorporated as a system change in his jurisdiction. Peer and instructor feedback during the AAJE course, he felt, helped to clarify his written opinions.

Supreme Court Justices

The Supreme Court justices had variously attended IJA, AJC and NJC over a span of 18 years. Two of the four claimed personal changes as a result of this training; none

saw organizational changes emanating from CTP training. However, one justice said some of the things he learned in a small group discussion at NJC influenced his decisions *ten years later* when he became Chief Justice. All said they wished to return for more training. One justice said of AJC: "It's informative — I don't know that you'd call it training; if there's any group that doesn't want to be lectured to, it's judges!" The Chief Justice felt that "every judge ought to have to go to school for a couple weeks every year for update on trends and decisions."

All of the justices interviewed had attended one or more of the national training institutes in the current study as well as local or regional judicial training. The orientation of the court appears to be toward service (efficiency) rather than change. The justices have been trained and updated in current decisions and opinion writing. They have a sense of accomplishment over implementation of the judicial article.

Prosecutors

Four members of the Attorney General's Office were interviewed, as well as two local prosecutors who had attended NCDA seminars. The one member of the AG's staff who had attended the three-week Career Prosecutor's Course saw a major influence on his techniques in trial preparation and presentation; another found an NCDA seminar helpful in preparing a budget. None saw any organization or systematic changes as a result of NCDA training. All prosecutors have an annual three-day seminar which is enthusiastically received.

The Attorney General's staff of prosecution lawyers has a strong service orientation. In-state training has been a major route to building *esprit* among the state-level, district and county prosecutors, as well as providing some basic prosecutor training for all staff. Out-of-state and other Courts Training Programs have been used only to meet specific needs such as office management, organized crime, etc. The National Association of District Attorneys, however, has been used as a resource for in-state training. The one staff member who had taken the NCDA Career Prosecutor's Course did so in the military, before coming to the AG's office. CTP training has had little overall effect on the AG's office.

Defenders

Central office attorneys in the public defender system have a strong change agent orientation for which training plays an integral part in their capacity building. In addition to the annual in-state training, the defenders have made heavy use of NCCDLPD for the basic three-week course. Dividends of training are obvious to the staff: retention of veteran staff, retention of alumni (former public defenders now in private practice) in public defense work, landmark decisions on the death penalty and jury instructions, and a strong track record which has earned respect in the appellate courts.

The Office of the Public Defender has made a heavy commitment to training, having sent a total of nine staff members for extended training at NCCDLPD or NITA and 11 to NCCDLPD seminars over the past several years. In addition, the Public

Defender holds an annual statewide conference for over 300 defense attorneys in which the participants are updated regarding significant motions, appeals, and legislation and are trained in trial techniques and case preparation. The study team interviewed 14 defender-participants who had attended an average of more than two courses per year. Ninety-two percent attributed personal changes to attendance at NCCDLPD, and 82 percent saw organizational or system changes related to their training. Personal changes were chiefly in the techniques of trial preparation and procedures; system changes included the use of team defense, use of expert witnesses, training procedures for the defender staff, and landmark court decisions which had resulted from effective defense and appeals.

The defenders office sees itself as an activist group — concerned with due process for its clients, equitable handling of all cases, and in effecting necessary changes in the law. Training — statewide and national — is seen as a vital resource in meeting its goals on an ongoing basis.

Administrators

Ten court administrators and clerks who had participated at ICM and one who had attended NJC were interviewed by the study team. Participants ranged from the State Court Administrator to staff specialists in data, budgeting, and court programs. Forty-two percent of the participants had made personal changes, and 42 percent made system changes as a result of training attendance at ICM. While the state office and local administrators characterize the need for training as extremely important, they see the major value of ICM as providing an interchange among the various states; the functional skills training (management, data systems, finances, engineering change) as readily available from state and private institutions of higher education. System changes attributed to ICM training were in filing and microfilming systems, calendaring and caseflow, pretrial management, and data utilization. Personal changes were in problem identification, use of time, and analytical skills.

In its three-year existence the Administrative Office of the Courts has organized efficiently to provide support to the statewide court system. The orientation of the office is a combination of change agent and service. Training has been termed a "desperate, continuing, ongoing requirement" by the State Court Administrator. The objectives of training, as the AOC sees it, are: (1) technical competence and professionalism in the various facets of management; (2) establishing linkage with the nationwide network of practitioners; and (3) recognition and reward to staff members. The AOC has made use of ICM both for the basic course and for numerous seminars on specialized topics. It has also used a variety of other training resources such as institutions of higher education. According to the staff, there is an abundance of training available — it's a question of whether it's the right kind. The AOC has gained some minimal benefit from ICM in the way of techniques and procedures; more in the way of interface with other practitioners.

OVERALL IMPACT OF THE COURTS TRAINING PROGRAM

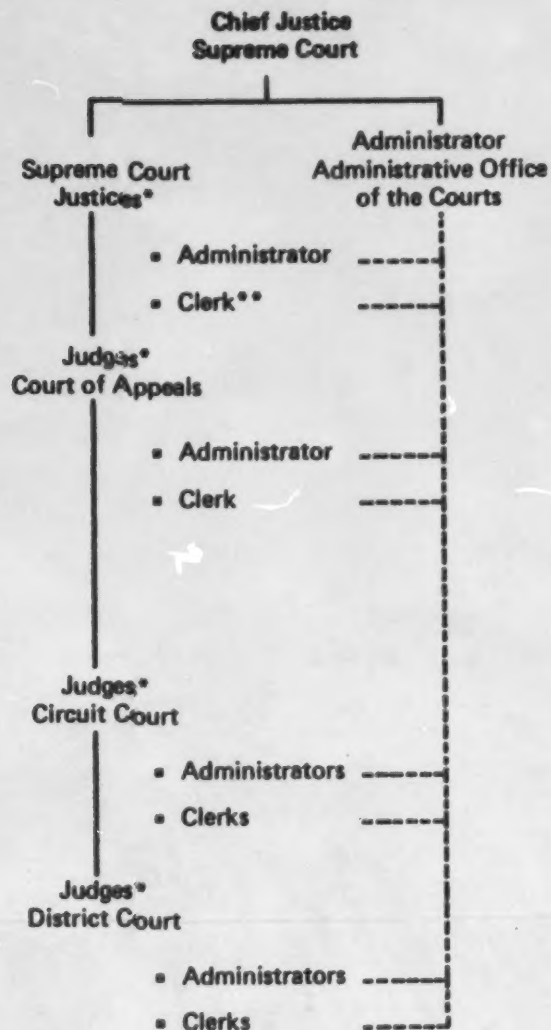
Given the high incidence of CTP training among the major role groups in this site, the following overall impressions of training impact emanate from participant interviews:

- *The public defenders have made the heaviest investment in CTP and appear to have reaped the greatest benefits in terms of staff retention, compression of the "learning curve" for new employees, and success in appeals cases.*
- *The appellate judges have claimed strong interest in CTP but limited impact upon themselves and their courts. The evaluation team noted that the appellate judges have not received continuing education in some areas of apparent current need (e.g., managing the courts and policy, managing and coping with change, interagency relations, etc.).*
- *The work of the trial court judges has shown the long-term effects of training and exposure to the methods of other jurisdictions at NJC.*
- *Court administrators have benefitted from the ICM network but are still looking for a set of training resources which will meet ongoing needs to a satisfactory degree.*

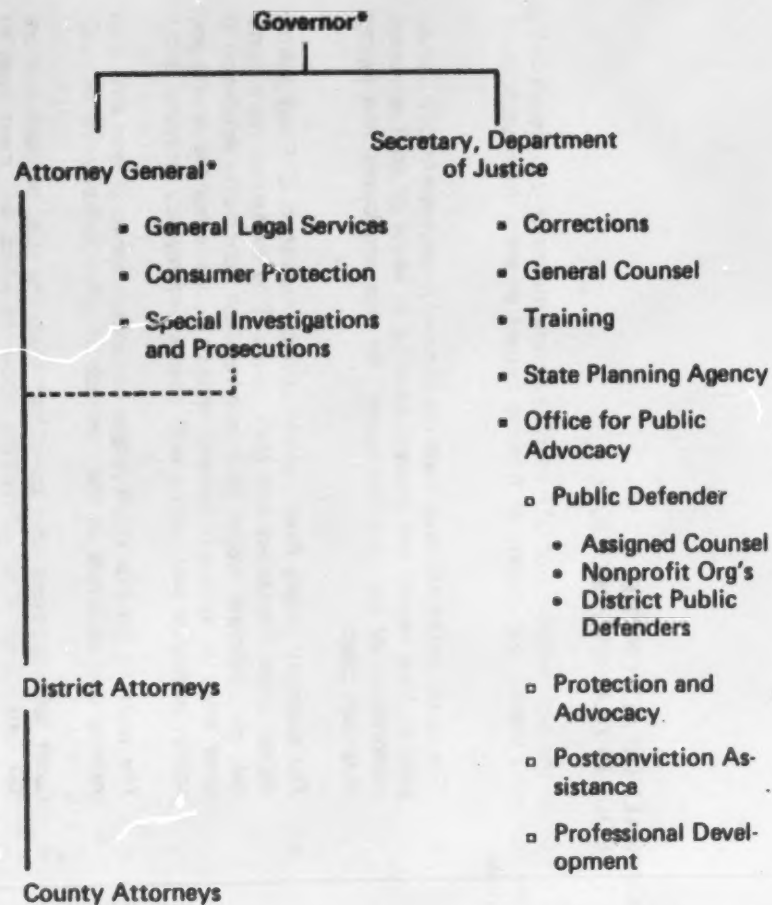
Exhibit 4 portrays the respondents' attributions of system changes within the site to either national (CTP) or state-sponsored training.

No respondent credited CTP with a major causal influence for court reform. Several did, however, note aspects of reform implementation which were derived from CTP. Many observers credited training — both CTP and in-state — with facilitating the atmosphere or receptivity to change.

COURT OF JUSTICE



EXECUTIVE BRANCH



* Elected

** Was elected; will be appointed

INCIDENCE OF TRAINING IN EIGHT INSTITUTES

Role Group	Total Number At Site	Number Interviewed On Site	Number of Training Participants	Others Interviewed On Site	Mail Questionnaire Distributed
Supreme Court Justices	4	4	AJC - 2 IJA - 1	Supervisor - 0 Comparison - 1	
Appellate Judges	2	2*	AAJE - 1* AJC - 1*	Supervisor - 0 Comparison - 0	
Trial Judges	4	4	NJC - 1 NCDA - 1	Supervisor - 0 Comparison - 2	
Court Administrators	49	23	ICM - 10 NJC - 1	Supervisor - 2 Comparison - 10	ICM - 1
Prosecutors	14	11	NCDA - 5 NCCDLPD - 1	Supervisor - 1 Comparison - 4	
Defenders	22	15	NCCDLPD - 8 NITA - 1	Supervisor - 1 Comparison - 5	NCCDLPD - 5
Others	NA	13	NJC - 2 AAJE - 1 NCDA - 1 ICM - 1 NCCDLPD - 2	Supervisor - 3 Comparison - 3	
*One appellate judge was interviewed regarding participation at both AJC and AAJE.					

**COURT-RELATED CHANGES AS SEEN BY
RESPECTIVE ROLE GROUPS**

**Exhibit 3
Page 1 of 2**

PROSECUTORS

Unified prosecutor system

Full-time judges provide a better product

Dispositions more equal — easier for an attorney to know where he/she is in the system

Image of the courts is better: lawyer judges

Strengthened district court

Prosecutors Advisory Council (PAC)

DEFENSE ATTORNEYS

Intermediate appellate court; speeded up the process and better quality

More oral arguments; published decisions

More talented judges in the system

Supreme Court more responsive

Supreme Court issuing better opinions

District Court upgraded the whole system

More defense attorneys getting into judgeships — more balanced treatment of defendants

Judiciary makes greater recognition of procedural aspects

JUDGES

More oral arguments (appellate)

More specific, thoughtful opinions

More decisions

Reduced quantity of appeals in Supreme Court; increased quality

More frivolous, ill-conceived appeals

Rural court of limited jurisdiction upgraded

Feeling of uniformity between district and circuit court

Cases now current

More emphasis on administration and education

More professional court

ADMINISTRATORS

Reduced backlog in the Supreme Court

Supreme Court more accessible by attorneys

Supreme Court moves faster

Intermediate court reduced litigants fees (traveling time)

New rules of appellate practice allow record to remain in local courts: relieved cost of transcripts

Attitudes regarding education/training

Interest among clerks in doing things better than simply *status quo*

Uniform procedures statewide, e.g., warrants

Automated facets of administration

Judges are more educated and professional

ADMINISTRATORS — Continued

Better quality of justice: separated
money from justice

Lawyer judges: more quality

No bailbondsmen

Totally state funded, rather than city
or local

Judges go out of state for education:
higher quality of performance

Much paperwork has been eliminated

ATTRIBUTION OF CHANGES TO TRAINING¹

SYSTEM CHANGES	DIRECTLY, BY ...						INDIRECTLY, BY ...				
	Judges		Prosecutors	Defense Attorneys	Administrators	Peer/Supervisors	Appel. Judges	Prosecutors	Defense Attorneys	Administrators	Peer/Supervisors
	Trial	Appellate									
Upgrading courts of limited jurisdiction											N
Abolition of bail-bondsman	N										
Statewide funding and administration of court system					N						N
Elimination of backlog; speedier process	N	N			N						
Oral arguments; more thorough appellate decisions		N				N	N				S
Attitudes and • practices regarding education/training	N	N			N						N
Unified prosecutor system			S								N
More equal, consistent dispositions									N		S

¹ Main attribution: N = National training
S = State level training

ATTRIBUTION OF CHANGES TO TRAINING¹ (Continued)

SYSTEM CHANGES	DIRECTLY, BY ...						INDIRECTLY, BY ...				
	Judges		Prosecutors	Defense Attorneys	Administrators	Peer/Supervisors	Appel. Judges	Prosecutors	Defense Attorneys	Administrators	Peer/Supervisors
	Trial	Appellate									
Automated facets of administrators; reduction of paperwork					N						N
Greater recognition of procedural aspects by judiciary				N					N		S
More balanced treatment of defendants									N		
Greater access to appellate court; reduced litigant fees											N
Uniformity between circuit and district courts	S										
More frivolous, ill-conceived appeals		2									
Well written appellate briefs				N					N		N

¹ Main attribution: N = National training
S = State level training

² This change was not attributed to training but to *Argersinger v. Hamlin* (1972) and the resulting availability of public provided counsel for indigent defendants.

CASE STUDY NUMBER 5

CASE STUDY NUMBER 5

SUMMARY OF FINDINGS

This report presents the findings of a study of the incidence and impact of training among judges, prosecutors, public defenders, and non-judicial court personnel in a large judicial system in a midwestern metropolitan area of the United States. The case study is based on a review of the structure and operations of the judicial system, the courts and related agencies, and on 71 interviews with judges, prosecutors, defenders, and non-judicial court personnel. Following this introduction is a summary of the major findings of the case study.

Major Changes and Trends in the Jurisdiction

The recent major changes in the jurisdiction's court system occurred as a result of the 1977 amendment to the Judicial Article of the State Constitution. The amendment became effective August 1, 1978 and provided for creation of an intermediate appellate court—the Court of Appeals, for establishment of a single level general trial court, and for centralization of administrative authority for the court system under the Chief Justice of the Supreme Court. Another significant change in the organization of the judicial system was the state's takeover of the county-level public defense programs to create a single, standard system for public defense throughout the state. Finally, an action which has important implications for the entire judicial system of the state and which is particularly relevant to this study of training was the institution of mandatory continuing legal education for all lawyers licensed to practice in the state. Consistent with this requirement, the Supreme Court established a policy for mandatory training for all members of the state's judiciary.

Incidence of Training in the Jurisdiction

Since continuing legal education is mandatory in the state, all the judges, prosecutors, defenders, and other attorneys included in the case study have attended some type of training. The state sponsors a wide range of training programs for the judiciary and other legal professions. The Continuing Legal Education Plan, adopted by Supreme Court Rule, effective January 1, 1977, relates specifically to the state's judiciary presiding in all courts of record. It provides for an orientation program, annual conferences, and a series of seminars on special topics. The State-Wide Prosecutors Education and Training Program was developed to ensure that a broad and varied training curriculum is available locally. An educational program for the members of the new state-wide public defender system is also now under development.

In addition to state-sponsored training activities, the judges, administrative personnel of the court, prosecutors, defenders, and local private attorneys have attended meetings and seminars under the aegis of local bar associations and other professional groups and a variety of national programs, including those receiving LEAA funds. *Exhibit 1* on the following page provides a breakdown of the case study participants who attended the eight institutes being evaluated.

As the exhibit shows, 11 participant judges have attended the National Judicial College (NJC) and several others have gone to courses at the American Academy of Judicial Education (AAJE), the Appellate Judges Conferences (AJC) of the American Bar Association, and the Appellate Judges Seminars of the Institute for Judicial Administration (IJA). Twelve of the 27 prosecutors included in the study have attended the National College of District Attorneys (NCDA) and nine of the 11 public defenders interviewed at the site have participated in courses offered by the National College for Criminal Defense Lawyers and Public Defenders (NCCDLPD). No information was available on the overall incidence of training among court administrative personnel, but a court administrator and two clerks at the site have attended the Institute for Court Management (ICM), and two other court-related personnel have attended ICM and NCCDLPD.

Impact of Training in the Jurisdiction

Based on the information obtained in the interviews, training has had only limited impact on the judicial system at the case study site. The major change attributed directly to training was the creation of judicial court commissioners in the Circuit Court to help reduce the workload of the judges. The results have been significant in reducing the number of cases which must be handled by the judges and the number of cases which actually go to trial. The Chief Judge of the Circuit Court said the idea for the commissioners came out of his training experience at NJC.

Other examples of the impact of training within the judiciary are primarily personal changes made by the judges in the procedures they use, in their personal skills and in their use of materials and personnel resources. In a number of cases judges who had made personal changes attributed them to their attendance at NJC or AAJE. These changes were in areas such as calendar administration, use of law clerks, and improvement of skills in instructing juries and handling evidence.

Similarly, only one significant systemic change in the prosecutor system at the case study site was attributed directly to training, and that change occurred in the State Attorney's Office rather than the Office of the District Attorney. Based on his attendance at an NCDA program, one Assistant Attorney General recommended an improved procedure for handling complaints, which was adopted by the state office as well as the local office he heads at the site location. Other changes among the prosecutors which were attributed to training were primarily attitudinal and personal skills

changes. The public defenders at the site also made personal changes based on their training experiences, but there were no significant systemic changes attributed to formal continuing legal education.

DESCRIPTION OF THE AREA

Site Description

The site of the case study is a large industrial port city in the midwest. The standard metropolitan statistical area population is 1,442,600, making the area the 13th largest SMSA in the United States. This population is largely white, native American, with heavy representation of numerous ethnic groups. The expendable income for the average household in the site area in 1975 was \$17,255.

The major industries are manufacturing and shipping. The city is the largest producer of diesel and gasoline engines, outboard motors, motorcycles, tractors, padlocks, and beer and is the fourth largest automobile manufacturing center in the country. Eleven *Fortune* 500 industries are headquartered in the city. As a port on a major sea-way system, the city reports 3.6 million tons of shipping annually.

Court Jurisdictions

The present court system in the site location consists of the Supreme Court, the Court of Appeals, Circuit Courts, and where established by local governments, Municipal Courts. The Supreme Court, the Court of Appeals, and the Circuit Courts are established by the constitution. The Municipal Courts are statutorily authorized.

LOWER TRIAL COURTS

The lower trial courts are the Municipal Courts which are created by cities, towns, and villages. They are not courts of record. Their jurisdiction is limited to cases involving violations of municipal ordinances, the bulk of which are traffic offenses.

SUPERIOR-LEVEL TRIAL COURTS

The superior-level trial courts of the jurisdiction are the Circuit Courts. They have original jurisdiction in all civil and criminal cases. The Circuit Courts may hear appeals from the Municipal Courts.

APPELLATE COURTS

The *Court of Appeals* is the intermediate appellate court. Sitting in panels of three, the justices of the Court of Appeals hear appeals from the Circuit Courts.

The *Supreme Court* is the court of last resort. It hears appeals through petition and has original jurisdiction over matters of statewide concern.

System Changes and Trends in the Jurisdiction

For more than 20 years the trend in the state judicial system has been toward unification, greater clarity in lines of jurisdiction, and centralization of authority for court administration. The present court structure is largely a product of the Court Reorganization Act of 1958 which included a major consolidation of the miscellaneous collection of specialized, statutory courts of diverse geographical and substantive jurisdiction which operated independently up to that time. The Reorganization Act specified that all of these courts were to be County Courts, and their jurisdiction was made uniform throughout the state.

A more recent court reorganization measure has further unified the courts and eliminated overlapping of jurisdictions. An amendment of the Judicial Article of the State Constitution was passed in April 1977 and became effective August 1, 1978. That amendment provided for the following major changes:

- *Creation of a Court of Appeals to serve as an intermediate appellate court.*
- *Centralization of administrative authority for the efficient operation of the entire court system under the Supreme Court and the Chief Justice.*
- *Creation of a single level trial court system within the state through the merger of the County and Circuit Courts.*
- *Establishment of provisions which make all judges and justices subject to suspension or removal by the Supreme Court for cause or disability, pursuant to procedures established by the legislature.*
- *Granting of authority to the legislature to raise the mandatory judicial retirement age of 70.*
- *Modernization of constitutional provisions relating to the judicial branch by removing obsolete provisions and rearranging other provisions in a more logical fashion.*

The creation of judicial court commissioners in recent years to assist judges in handling judicial responsibilities other than conducting trials has had a significant impact in helping to reduce the workload of judges and the number of cases coming to trial and has consequently resulted in cost savings for the Circuit Court at the site location.

The trend toward centralized state control over the judicial system is reflected in the institution of mandatory continuing legal education for all attorneys, including the judiciary. It is also evident in the creation of a statewide public defender system which assumed the county's former responsibility for providing trial defense for indigents.

The reorganization of the County and Circuit Courts to create a single trial court system which resulted in a more even distribution of the judicial workload, and the creation of the judicial court administrators, has helped the judiciary deal with the increasing caseload in the jurisdiction. The judges attribute the increase primarily to changes in the law and procedures which require more pretrial involvement of the judges and which provide more opportunities for defendants to bring post-sentencing actions.

The crime rate in the jurisdiction is also a factor in the increasing caseload of the court system. The trend in crime during the period from 1970 to 1977 has been a dramatic upward swing in the seven index crimes: homicide (murder and nonnegligent manslaughter), forcible rape, robbery, aggravated assault, burglary, theft, and motor vehicle theft. The index crime rate in the area, as measured by reported offenses, climbed from 2399.4 reported index offenses per 100,000 of population in 1970 to 5285.8 reported index offenses per 100,000 of population in 1977. The violent crime rate rose from 161.3 reported violent crimes per 100,000 of population in 1970 to 296.5 in 1977, and property crimes increased from 2238.1 in 1970 to 4989.2 in 1977. However, the upward trend may be changing. Crime index offenses in the site area showed a 13 percent decline from 1976 to 1977. Violent crimes declined 11 percent and property crimes declined 13 percent.

THE TRIAL COURTS AND TRAINING

Organization

The trial courts in the site area are the Circuit Court and the Municipal Court. The state is divided into 10 administrative judicial districts. The county in which the case study site is located constitutes the first judicial district. All other districts include more than one county. The *Circuit Court* in the first judicial district is composed of 33 judges. The number is set by the constitution on the basis of population requirements. The judges are elected to six year terms and are currently paid \$42,500 annually. The Chief Judge assigns judges to the five different jurisdictions of the Circuit Court: civil, crime and traffic, family, children's, and probate, for two-year terms according to a rotation plan approved by the Supreme Court.

In addition to the judges, there are five full-time judicial court commissioners—two in the civil jurisdiction, one in misdemeanor/traffic, one in children's and one mass case commissioner. They are lawyers, but cannot practice law while serving as a commissioner. When assigned to the Children's Court, a judicial court commissioner may issue summons and warrants, order the release or detention of children apprehended, conduct detention and shelter care hearings, conduct preliminary appearances and impose informal disposition. When assigned to misdemeanor or traffic cases the commissioner may conduct such hearings and proceedings as authorized by the judge, but he/she shall not preside over any trial, except that default judgments and stipulations may be entered and approved by a commissioner. When directed to do so by the judge, the commissioner may inform the defendant of his rights, refer the matter of the ap-

pointment of an attorney to the public or legal defenders, direct a case to a designated court for trial if a not guilty plea is entered, set bail, dispose of cases which have been found to have no merit from the complaint or on motion of the district or city attorney, and issue warrants and capiases for those who do not appear as summoned. When assigned to other branches, the commissioner may be authorized by the presiding judge to engage in conciliation and pretrial work.

There are 23 municipalities in the first judicial district. Most of them have one judge. The *Municipal Court* in the site location consists of two judges. Municipal judges are not required to have legal training, and their term is determined by the municipality. Salaries are also set locally. In addition to the judges, the Municipal Court staff includes a chief administrator, an administrative assistant, a management accountant, five court clerks, and 20 clerical and security positions.

Management

The management or administration of the trial courts in the first judicial district is the responsibility of the Chief Judge of the Circuit Court. The Chief Judge is appointed by the Chief Justice of the Supreme Court for two-year terms, and he may succeed himself twice. The Chief Judge designates a Deputy Chief Judge and appoints an Executive Committee consisting of himself, the deputy, and not more than five other judges. Each member serves at the pleasure of the Chief Judge, and with exception of the deputy, each member serves as Presiding Judge of one of the five jurisdictions of the Circuit Court.

The Chief Justice is also assisted in the management of the court by the Court Administrator who assists in the preparation of budgets, maintains court records and statistics, and provides liaison between the Chief Judge and the other judges, Clerk of Courts Office, District Attorney's Office, Public Defender, County Board, and County Executive. The total 1980 budget for the court system of the first judicial district is approximately \$15 million.

Caseload Information

Caseload information for the jurisdiction in 1977 and 1978 is presented in *Exhibit 2* on the following pages. It should be noted that since the merger of the County Court and the Circuit Court did not become effective until August 1, 1978, caseload information was maintained separately for the County and Circuit Courts through the end of 1978.

Incidence of Training

Effective January 1977, continuing education became mandatory for all the judiciary in the state of the site location. Each judge is required to earn 60 credits within each six years he or she is on the bench. Credit may be earned by attendance at both in-state and national educational programs sponsored or approved by the Supreme Court's Judicial Education Committee. One credit is awarded for half-day attendance

at an in-state educational program. The amount of credit awarded for attendance at a national program is determined by the Judicial Education Committee. During each six-year period, a judge is required to attend at least once the State Judicial College, the Criminal Law Sentencing Institute, and the Prison Tour. A judge may not earn less than five nor more than fifteen credits at in-state programs in a single year—with exception of the year he or she attends the State Judicial College. Also, a judge may not earn more than twenty-four credits for attendance at national educational activities in any six-year period. A judge is not required to attend any national educational activity.

In addition to the State Judicial College, the Criminal Law Sentencing Institute, and the Prison Tour, the State Judicial Education Committee sponsors numerous other training activities for the judiciary: an annual three-day State Judicial Conference, a week-long orientation program for new judges, and a series of two to three day seminars on topics such as family law, probate, mental health, children's law, civil law, and traffic. Since the new mandatory training has been in effect there has, of course, been greater emphasis on attendance at in-state activities. Although 24 of the 60 credits can be earned through attendance at national programs, no national credits are required, and less money is now made available by the state for judges to attend national programs. However, the state does pay for some judges to attend national programs every year. And, in a few cases, judges themselves have paid their tuition and expenses in order to participate in national programs of their choice. One Circuit Court judge interviewed during the site visit stated he believes the State Judicial Education Committee sees the national programs as competition for its training activities.

During the site visit 22 of the 33 Circuit Court judges were interviewed. Thirteen have participated in the LEAA-supported institutes. Eight serve as comparisons, and one, the Chief Judge, is a supervisor. There is very little difference between the participant and comparison groups in terms of their years on the bench (participant—9.7 and comparison—11.4) and their years of professional experience (participant—22.8 and comparison—22.7) which might affect their attitudes toward training in general and national training programs in particular. As would be expected because of the mandatory education requirement, all the judges have attended training recently.

The participant judges have attended training a total of 71 times, including attendance at both in-state and national programs. State sponsored programs they have attended include the orientation course for new judges, the State Judicial College, the Criminal Law Sentencing Institute, the annual State Judicial Conference, and seminars on the family code and the juvenile code. A few of the participant group have also attended state bar association meetings and educational activities and meetings of the State Juvenile Court Justices.

The 13 participant judges have attended only two of the LEAA-supported institutes: NJC and AAJE. Two judges have attended AAJE. One of the two, who was a participant in the AAJE judicial writing seminar, has also attended NJC three times. The other of the two has participated in five week-long AAJE seminars: the Psychiatrist in the Court Room, Evidence, and Criminal Law I, II, and III.

The 11 remaining participants have gone to Reno for NJC-sponsored programs. The courses represented in their training are the general course for judges (seven attended), Evidence (eight attended), Civil Litigation, Malpractice and Hearsay, Alcohol and Drugs, Criminal Law, Sentencing, New Trends, Special Courts, Search and Seizure, and Anti-Trust.

The comparison group of nine judges have attended training a total of 19 times. Most of this training has been at state-sponsored programs. However, one of the judges in this group attended NJC prior to 1970 and another is a member of the faculty at NJC. Courses attended by the comparison group include the basic orientation course and later update courses provided by the State Judicial College, the annual Judicial Conference, and special short courses on topics such as civil litigation and criminal law. Other training programs cited by the comparison group are ABA conferences, a trial techniques course at the National Practice Institute, and the Navy Reserve JAG School.

Overall, the Circuit Court judges have a positive attitude toward continuing legal education for the judiciary and the mandatory 60 credit requirement. Several of those in the participant group said they usually exceed the required 60 credits. However, one judge in the comparison group said he thinks it is "unfair to punish all the judges because a few sit on their duffs and don't keep up." He also said he finds the requirement to visit the prisons useless and believes many of the mandatory courses are a ridiculous waste of time.

The majority of the trial judges believe that adequate training is available through both state and national programs. One judge did say he would like to see AAJE courses on judicial writing and hearsay expanded to two weeks. Also, he advocates the development of a course which would be the enactment of a complete civil trial in which the participants would perform the various functions.

No information was available on the training history of the two Municipal Court judges at the site location. They are not listed as participants at any of the eight LEAA-supported institutes. The State Judicial Education Committee is authorized to provide training for these judges as well.

There was also no information available on the incidence of training among court administrative personnel. The state is making a limited effort to provide training for this group. Each year there is a three-day educational seminar for the clerks of the Circuit Courts. One judge said he does not believe that the court administrative personnel are receiving adequate training. He said this is a problem because they are the first and frequently the only court representative many local people encounter and often they do not know how to handle situations appropriately. As a result, they may be projecting an unfavorable impression of the judicial system to the public.

Four non-judicial court personnel at the site location are on record as participants at one or more of the LEAA-supported institutes. The Chief Deputy Clerk of the Circuit Court, the Court Administrator of the first judicial district, the Chief Administrator of the Municipal Court, and the Chief Probation Officer of the Children's Court

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have all attended courses at the Institute for Court Management (ICM). The Court Administrator has also participated in three courses on court management systems at the National Judicial College. The Chief Deputy Clerk was a participant in two six-day ICM seminars on juvenile justice. The Court Administrator attended two five-week sessions and one two-week session on executive development at ICM. The Chief Probation Officer was a participant in a five-day seminar on juvenile justice management. The Chief Administrator of the Municipal Court has participated in three four-day ICM courses on management systems and procedures.

Impact of Training

The only change attributed to training which has had a direct impact on the court system in the site location is the creation of the judicial commissioners in the Circuit Court. The Chief Judge said his idea to establish them came from his training experiences at NJC. Other changes linked to training are primarily personal in nature and have not directly affected the operations of the court system.

All the Circuit Court judges from both participant and comparison groups said that they have noticed some personal changes during the last five years. There was very little difference between the responses of the participants and the comparison judges in this area. Seventy-five to 80 percent of both groups noted changes in their substantive knowledge of the law or the courts, in the procedures they follow, and in their personal skills. A considerably smaller percentage noted changes in their use of resources and in the priorities they assign to different functions. The majority of the participant group believes that personal changes made by judges (no matter what the source of the change) have not had significant impact on the operations of the court system. On the other hand, 75 percent of the comparison group indicated that such changes have clearly affected the operations of the court.

The types of changes noted by both groups were also similar. However, the areas in which changes in substantive knowledge were noted were broader among the participants at national training programs. Examples of these areas are product liability, malpractice, and anti-trust. The primary source of changes related to knowledge was similar for both groups: experience on the job and court rotation. However, a few of the participants attributed the changes to their attendance at NJC courses.

Changes in procedures were very similar for both groups and, in most cases involve procedural changes resulting from changes in the law or the court system as a whole. Several participant judges said they had modified procedures in the areas of calendar management and evidence as a result of training at NJC.

There were no significant differences between the two groups with regard to the improvement of personal skills. A few of the participant judges attributed changes in personal skills to their training experiences at NJC, and one participant at an AAJE judicial writing seminar said his writing ability had improved.

Changes in the use of resources among both groups are limited almost totally to improved use of law clerks. One participant judge attributed his change in this area to his experience at NJC.

Essentially the only change in priorities noted was a greater emphasis on speedier disposition of cases and movement of trials. This change is forced by the large volume of cases that the Circuit Court is now handling.

Overall the trial judges who attended NJC and AAJE expressed positive opinions about the institutes and the individual courses they have attended. Eleven of the judges attended the general course at NJC. The strengths cited were the overall quality of the faculty and of the materials and outlines which are distributed to participants. One judge commented that the course should be mandatory for all new judges. Another said the course is a good way to combine training with vacation. Criticisms of the general course include comments that too much of the material covered focused at a "primer" level, that it was necessary to absorb too much in too short a period of time, that there was not enough opportunity to provide input to the faculty during the course, and that the library was not open in the evenings for study.

The strengths cited by participants at other NJC courses were the expert knowledge and teaching ability of the majority of the faculty. One participant said the materials for the malpractice seminar were good. Another noted that the search and seizure course was excellent, that the overall faculty was good, and that Dick Eunice was an outstanding instructor. Many of the participants said that the opportunity to talk informally with other participants from other parts of the country was one of the most valuable aspects of the training courses at NJC. One criticism noted by the participants in the short NJC courses was the disparity in the teaching abilities among the faculty. Other general negative comments about NJC were that the distance to NJC is prohibitive, that the housing for families is terrible, and that there is a pretentiousness about the staff and entire operations at NJC.

Training for the court administrative personnel does not appear to have had any significant impact on the court system in the site location. The effects of the training were noted primarily in the areas of personal changes in substantive knowledge of the courts, procedures used, personal skills, and use of resources. The Court Administrator of the first judicial district said he increased his knowledge of the jury system and misdemeanor courts through his attendance at an LEAA-sponsored jury program, improved his administrative skills through training at ICM, and expanded his contacts with court experts around the country as a result of his experience at ICM. He praised the overall quality of training at ICM, but said that some of the people there are too controversial, too extreme in presenting their positions. He has also attended NJC and lists its strengths as the quality of the faculty, the administration and the facilities.

The two court personnel who attended the juvenile justice programs at ICM had similar reactions to the program. Both linked changes in administrative skills to the training. Both participants noted weaknesses in the faculty, pointing out that only one had practical experience in the training topic. One would like to return to ICM to attend the advanced juvenile justice course and the other to participate in the executive development program. The improvement in administrative skills noted by the Chief

Administrator of the Municipal Courts was attributed to her training at the local university and at a course sponsored by the city government, not to her training at ICM. However, she had a positive response to the Institute, noting that the faculty were experts, that the program was well-organized and that the setting and support staff were exceptional.

THE APPELLATE COURTS AND TRAINING

Organization

The *Supreme Court* consists of seven justices who are elected to ten-year terms. The salary for the associate justices is approximately \$50,000; for the Chief Justice it is approximately \$55,000. The *Court of Appeals* is composed of 12 judges who sit in panels of three in the districts around the state. Although so separated, they are administered as one court. The judges are elected for 10-year terms.

Management

The Supreme Court has superintending and administrative authority over all courts in the state, and the Chief Justice is the administrative head of the judicial system. Administrative procedures are developed by the Supreme Court. The Chief Justice, the justice with the longest continuous service, may assign any judge to aid in the proper disposition of judicial business in any other court except the Supreme Court.

The Office of the Administrator of Courts assists the Supreme Court in the performance of its administrative responsibilities within the court system. The director, who is appointed by the Supreme Court, is responsible for the trial courts, collects judicial statistics and undertakes such other duties as may be assigned by the Supreme Court. He may assign Circuit Court judges to temporary duties in other locations. He manages the state-funded portion of the financial affairs and budget of the trial courts, and is responsible for program planning. He does not supervise administration or budgeting of the Supreme Court; that is the function of the Executive Officer.

The Executive Officer is selected by and serves as executive assistant to the Chief Justice in matters relating to the administration of the Supreme Court, its supporting staff and allied agencies. He is the personnel officer of the Court and supervises budget preparation. On the staff of the Supreme Court there is also a Director of Judicial Education. The Chief Justice appoints a Chief Judge who is responsible for the administration of the Courts of Appeals.

Caseload Information

The caseload for the Court of Appeals is 80 percent civil and 20 percent criminal cases. There is a slight variation at the site location, the largest metropolitan area, which hears about 60 percent civil and 40 percent criminal cases. In the eleven months the Court of Appeals has been in operation it has concluded 1,229 appeals, at a rate of approximately 150 per month. It has taken over and disposed of 545 cases from the Supreme Court's backlog. In the process, it has cleaned up nearly all appeals dating back as far as 1975. At the same time, it accommodates a monthly filing rate of 74.5 cases and maintains a current calendar.

Cases from the Court of Appeals are published approximately 25 percent of the time. Oral arguments are granted in approximately 15 percent to 20 percent of the cases. There is provision for one-judge review throughout the system in the district of origin. Ninety percent of all petitions to present cases before a three-judge panel are denied. As of July 1, 1979, there were 988 appeals pending, and it is anticipated that they will be heard at the rate of 150 per month.

Incidence of Training

Since continuing legal education is mandatory for the judiciary, all appellate judges and justices must also have attended training. No specific information was available on training among Supreme Court justices. The Director of Judicial Education, who was included in the case study, verified that all 12 of the Court of Appeals judges have attended training at state and national programs, including AAJE, AJC, IJA and NJC.

One Supreme Court justice and two Court of Appeals judges were interviewed during the case study. The Supreme Court justice has attended AAJE, AJC and NJC. His attendance at AAJE and NJC occurred while he was serving on the Circuit Court, prior to being appointed to the Supreme Court. One of the Court of Appeals judges has participated in courses at IJA, AAJE, and NJC. The other, the Chief Judge of the Court of Appeals has attended IJA and AJC.

Impact of Training

Since only three appellate judges are included in the case study, it is impossible to draw conclusions about the overall impact of training among the judiciary at the appellate level. The three who were interviewed did not attribute systemic changes to training. The impact of their training was limited to changes in their personal skills.

The Supreme Court justice said he had improved his performance in the courtroom, in conducting trials, as a result of his attendance at AAJE while he was a Circuit Court judge. He attended courses in criminal law and evidence at AAJE and gave outstanding ratings to all aspects of the program. The justice said AAJE's greatest strength is in its faculty. He noted that there was a good mixture of knowledgeable, expert

judges and law professors who were up to date in the latest case law. The same justice also attended the appellate judges seminar at AJC and gave it almost identical ratings, citing the same strengths. While he was a Circuit Court judge he also participated in a trial course at NJC. He was strongly critical of NJC, explaining that it was geared to the masses of trial judges and average problems, and that the course he attended was so structured and programmed that it did not allow time to discuss problems of large municipal court systems. In his opinion, NJC uses too many judges on the faculty and thus does not achieve the quality of instruction he found at AAJE and AJC.

One of the Court of Appeals judges said he had learned to write more concisely and clearly as a result of his attendance at AAJE's judicial writing course. He said the course was excellent and that it should be mandatory for every appellate judge. The faculty received expert ratings in all areas. A major strength he cited for the national program was the opportunity to interact and exchange problems and ideas with judges all over the country.

The third appellate judge, the Chief Justice of the Court of Appeals, attended IJA and AJC and has served as an instructor at NJC. He attributed improvements in his use of resources to his training at the appellate judges seminar at IJA, but he indicated the most direct result of the training was an attitudinal change. He said that the Chief Justice made his appointment to the Court of Appeals contingent upon his attendance at the course. He noted disparity in the abilities of the faculty at both IJA and AJC, where he attended a course in constitutional law. He also said he questions the motives of some of the people who serve as instructors for these programs, that they appear to be seeking personal exposure for self-aggrandizement. In comparing IJA and AJC, the judge said that IJA was more valuable because there was greater opportunity for discussion and exchange of ideas among the participants.

THE PROSECUTOR SYSTEM

Organization

The District Attorney's Office is responsible for the prosecution of all crimes and offenses as defined by state law. The Office is also responsible for conducting criminal investigations in the areas of organized crime, white collar crime, welfare fraud, and corruption of public officials.

The Office is headed by an elected District Attorney. Personnel in the office include 60 attorneys, five investigators, four counselors, and 34 clerical staff. All the staff are organized into three major divisions and three special staff units. The divisions are: (1) Precharging, Charging and Special Functions, (2) Post Charging and Trial Functions, and (3) Administrative and Support Functions. The first two divisions are headed by Deputy District Attorneys, the third by a First Assistant District Attorney. The three staff units reporting to the District Attorney are: (1) Organized Crime, (2) White Collar Crime, and (3) Children's Court.

Management

The management of the prosecutor system is the responsibility of the District Attorney. He has overall responsibility for financial and personnel management, as well as the prosecution of cases. He is assisted in this management function by the First Assistant District Attorney who is in charge of the Administrative and Support Functions division. This division includes a diversion unit, a training unit, general clerical staff, and the subpoena and file room. The Deputy District Attorneys are responsible for the management of the remaining two divisions.

Caseload Information

In 1978, the District Attorney's Office processed 57,000 complaints, charged 42,574 cases, and completed 39,443 prosecutions.

Incidence of Training

All attorneys must meet an annual minimum requirement for 15 hours of continuing legal education. The District Attorney's Office has established an internal process which includes four stages: (1) A one-week orientation program for new attorneys. (2) On the job training under the aegis of an experienced attorney for three or four weeks. (3) Attendance at in-house or in-state training seminars, at courses at a local university, or local private training programs. (4) National programs such as the National College of District Attorneys (NCDA).

Due to mandatory requirements for continuing legal education, all 60 of the attorneys in the District Attorney's Office have attended recent training, including both state-sponsored activities and national programs. During the site visit 26 of the 60 attorneys were interviewed. Twelve were comparisons, 11 were participants, and three were supervisors. The 23 attorneys have attended a wide variety of national programs: 11 attended NCDA programs, four attended NDAA seminars, and one each attended courses at the Organized Crime Institute at Cornell, Northwestern University, the Juvenile Justice Association, the Practising Law Institute, the National Reciprocal Support Association, the National Data Gathering Seminar, the National Welfare Fraud Association, and the Glendale Crime Lab. Two went to the National Practice Institute.

In addition, the 23 attorneys have attended 63 in-house and in-state programs. These programs include Statewide Prosecutor Education and Training activities, advanced training seminars for prosecutors, State Bar Association seminars, in-house training activities, programs offered by the state university, and in-state programs offered by the National Practice Institute.

The comparison group showed a decided affinity for in-state and in-house programs. This group had attended programs of this nature a total of 50 times in comparison to the participants who attended local programs only 20 times. The participants appear to prefer national programs. The participants attended national programs 26 times in contrast to the comparison group which went to out-of-state training only seven times.

There exists a decided contrast between the comparison and participant groups in terms of experience and salary levels. On the whole, the average law-related experience (excluding law school) of the participant group was slightly more than eight years. In contrast, the comparison group had roughly six years of law-related experience. Also, average salary for the participant group was \$6,000 more than that of the comparison group. In summary, the participants are a more senior, more legally sophisticated, and more affluent group than the comparison attorneys.

Impact of Training

When asked if their substantive knowledge of the law had changed in the last five years there was quasi-unanimity between the participant and comparison groups. Ten of the 11 participants said "yes" and 11 of the 12 comparisons said they had experienced a change. However, when asked to attribute the cause of the change there was a marked difference. Among the comparisons, nine attributed their change to experience. Other attributions given by the group included experience, advice from colleagues, reading, and part-time teaching.

The attributions of change among the participants were more varied. Two attributed an increase in their substantive knowledge directly to training, one specifically designating NCDA as contributing to the change. Three attributed the change to experience (far less than the comparison group), two to changes in their jobs, one to advice from colleagues, and one to a change in the law. It is possible that the age and seniority of the respondents made them more receptive to outside sources of change beyond the stimulus of experience which would have its greatest impact in the beginning of a career.

The question concerning the incidence of changes in procedures produced the same responses from the participants and comparison attorneys: seven of each responded "yes" to the question. However, the attributions were again different. Four of the comparison group attributed the modification in procedures to changes in the system, two attributed it to experience, and one to a personal change. Somewhat in contrast, four of the participants attributed procedure change to experience, one to reading, one to improved management, and one to a change in office procedure. Neither group attributed procedural changes to training.

In the question relating to the augmentation or enhancement of skills, again there was a very close parallel between the responses of the participant and comparison groups. Among the 11 participants, 10 responded "yes" to the question. All of the 12 comparison attorneys responded affirmatively to the question. Eight of the participants attributed their skill development to experience as did ten of the comparisons. Among the participants, one cited NCDA as contributing to his skill development, while another cited a local program as helping him with his skills. Only one of the comparisons attributed his skill developing to training.

The question regarding the use of resources produced a wider response and something of a contrast between the two groups. Seven of the participants had expanded

their use and nine of the comparison attorneys indicated the same. Only three of the participants indicated that experience was the causal factor in their expanded use of resources while four of the comparison group tended to attribute experience as the cause. Training at NCDA was cited by one participant as a cause for change. But other responses by the participant group also included one who felt that better resources were available. One cited a crime laboratory (funded by LEAA) that had not existed before. Another cited a new program not previously available. Among the comparison group there were a variety of causal factors cited: one system change, one who felt that time constraints operated to produce such a change, another who cited the demands of his job, another who said that resources were more available, and one who could not pinpoint the reason.

There was a marked difference between responses of the participants and the comparisons on the topic of changes in priorities. Only two of the participants said they had made changes, but six of the comparison group noted changes in this area. The reason cited by the participant group was "new duties." The comparison attorneys cited two personal changes, one job change, and one system change as causes of priority shifts.

In general, training, either national or in-state, does not seem to impact significantly upon the development of skills, knowledge, procedure, use of resources or priorities of the comparison or participant group. However, it is more frequently cited by the participant group (five times) than by the comparison group (one time) as having an impact upon changes.

When the participants were more directly questioned about personal and organizational changes produced by training their responses tended to indicate that training at NCDA programs were having an impact upon them personally and were directly influencing and changing the way that they did their jobs. Of the 11, all responded affirmatively to the question "Did you attempt to make personal changes related to what you learned at the institute?" Two had adopted visual aids in the presentation of cases; one made better tactical decisions; another used more physical evidence; another had found himself better at cross-examination of co-conspirators.

The most profound impact occurred on an individual (and on the system) as a result of a conversation between two specialists in organized and white collar crime from different jurisdictions. The Assistant District Attorney from the site learned of laws that were being used in Florida and Minnesota and how to adapt his state's laws to better prosecute organized crime. These laws were passed by the state legislature and as a result have influenced the whole approach to prosecution of organized crime in the state.

Among the prosecutors interviewed during the case study was an Assistant Attorney General from the State Department of Justice. He had been to one program at NCDA and reported a significant impact: as a result of input from a session and with other participants, he wrote a detailed memorandum recommending a large major procedural change concerning how to handle complaints using paralegals and specialists instead of law students. His recommendation was adopted and effected a change in the operation of the central office, as well as the local office which he heads.

THE DEFENDER SYSTEM

Organization

Indigent defense services are provided by the State Public Defender's Office. The office is divided into the Trial Division and the Appellate Division.

The Appellate Division has always been under the jurisdiction of the state government. Until July 1978, all trial services were privately contracted with the Legal Aid Society. At that time the state assumed control of all but this county's services. There was an eleven-month contract established between the state and the County Legal Aid Society to continue to provide indigent defense services to the jurisdiction. In July 1979, the state assumed control of the entire system. The Legal Aid Society now funded by the United Way consists of civil defense only.

The Appellate Division has two locations: one in this jurisdiction and one in another major city. The state is divided into ten regions for trial services. There is a First Assistant Public Defender for each region. Statewide, there are thirty-two trial offices, each with an office supervisor.

After trial disposition, a defendant has 45 days to write a letter to the State Public Defender requesting counsel for an appeal. Trial attorneys do jail checks, encourage clients to come into the office on their own initiative and cover the intake sessions of the court. This division also has the responsibility for conducting statewide indigency evaluations of prospective clients. There are 19 attorneys, 9 secretaries and 3 investigators in the Appellate Division. Trial services are provided by 121 attorneys, 50 secretaries, 22 paralegals and 26 investigators.

Management

The Governor appoints nine persons to the State Public Defender Board for a term of three years. The Board is responsible for the administration of defender services. They appoint and establish the salary of the State Public Defender. He is appointed for a five year term, although he may succeed himself unless removed by the Board. The Public Defender is in charge of hiring all personnel for the office, including two Deputy State Public Defenders: one Trial and one Appellate.

The Public Defender system is entirely State funded. The fiscal year 1980 budget is approximately \$9 million and is divided into four divisions: Trial, Appellate, Administrative Services, and Private Bar Appointments.

Aside from the full-time attorneys employed by the office, there is a list of private attorneys utilized for referrals. Approximately 25 percent of indigent cases are handled by the private bar appointments.

Caseload Information

Since the office is less than one year old, there was no available caseload information. They are presently tabulating their case data and plan to publish an annual report at a later time.

The office goal is to use specific standards for assigning cases. These standards for each attorney per year are: 150 felonies, 400 misdemeanors, 200 juvenile or 200 mental health cases. Only three of their 32 state offices specialize in the assignment of cases to attorneys. The other offices are too small and their attorneys handle all categories of defense.

Incidence of Training

There were twelve interviews conducted with members of the Public Defender's Office, including ten participants, one comparison and one supervisor. They had an average of 5.5 years of professional work experience with 4.6 years in a law related occupation.

Respondents attended a total of forty-eight training sessions including four participants of the NCCDLPD Trial Practice Course at Houston. Seven other NCCDLPD sponsored short courses were attended by participants. The majority of training programs, twenty-one courses, was sponsored by the state continuing legal education program. In-house training was available to the Appellate Division and the Trial Division when they were under the auspices of the Legal Aid Society. Other sessions attended by respondents included: the National Lawyer Guild, Northwestern University, the University of Denver Law Institute and the National College of Criminal Defense Lawyers and Public Defenders.

As members of the State Bar, all public defenders are subject to the 15 CLE credits per year requirement for retention of their licenses to practice. This would probably account for the high level of participation in training as well as the organization's encouragement of course attendance.

One problem within the office is their current lack of training funds. One participant noted that the office refused to fund his NCCDLPD course in Houston this summer. This was supported by the supervisor interviewed who commented that because of funding shortages, they have not sent anyone to Houston in two years.

The State has designated a Training Officer for the Public Defender's Office, however, training is presently in the developmental stage only. The Deputy State Public Defender considers training to be a top priority; but since the state took control of the system, there have been no funds allocated in this area. The Training Officer is located in the main office of the Public Defender and coordinates with the Continuing Legal Education program. He has been successful in receiving free tuition for some staff members to attend CLE programs in exchange for providing speakers for some of their functions.

In-house training currently consists of some video-taped sessions. Attorneys who are not engaged in court proceedings are required to attend. A need was expressed for a comprehensive entry-level program emphasizing techniques rather than substantive knowledge.

Impact of Training

All respondents who attended the NCCDLPD found it very applicable to the system and their personal needs. The faculty was rated overall as quite good and listed as a major strength of the College on several interviews.

Everyone wished to return to the institute, depending on whether funds are made available. Changes listed by participants subsequent to their training included: the use of more scientific evidence, the use of expert witnesses and techniques for their cross-examination, use of opening and closing statements, a refinement of trial techniques and improvement in brief writing. One respondent felt that the impact of a single program is not really noticeable. He said that it is a cumulative process of training and experience, "you can't change a bad lawyer into a good lawyer in one program."

The supervisor interviewed said that his entire staff is very professional with strong commitments to the office, so it is difficult to pinpoint changes. He did, however, comment that these sessions often increase confidence and the contact with other attorneys can provide new ideas for methods of trying cases.

The overall quality of the NCCDLPD was listed as high. The constructive feedback from faculty and peers was considered an institute strength. The institute's emphasis on techniques as opposed to substantive knowledge, the contact with other attorneys and the awareness that there are other public defenders with the same problems were listed as positive aspects of the College. The major criticism was the lack of current written materials dispersed by the institute.

INCIDENCE OF TRAINING IN EIGHT INSTITUTES

Role Group	Total Number At Site	Number Interviewed On Site	Number of Training Participants	Others Interviewed On Site	Mail Questionnaires Distributed
Appellate Judges	4	3	AAJE-1 IJA-1 AJC-1	None	
Trial Judges	35	22	NJC-11 AAJE-2	Comparison-8 Supervisor-1	NJC-1
Court Administrators	NA	3	NJC-1 ICM-2	None	
Prosecutors	61	27	NCDA-12	Comparison-12 Supervisor-3	NCDA-3
Defenders	140	11	NCCDLPD-9	Comparison-1 Supervisor-1	NCCDLPD-3
Private Attorneys	NA	1	NITA-1	None	NCCDLPD-14 NCDA-3 NITA-1
Others (Judicial Commissioner; Director of Judicial Education; Chief Probation Officer; Administrative Assistant, Public Defender's Office)	NA	4	ICM-1 NCCDLPD-2	Information Interview-1	NJC-1 ICM-1

**STATISTICAL HIGHLIGHTS
CASES FILED AND DISPOSED 1977 vs. 1978**

	<u>Circuit Civil Div.</u>	<u>Circuit Crim. Div.</u>	<u>County Misd. Divs.</u>	<u>County Civil Div.</u>	<u>County Child Div.</u>
Net Cases Filed					
1978	18,828	4,026	36,226	50,516	4,534
1977	<u>11,077</u>	<u>4,190</u>	<u>33,402</u>	<u>52,310</u>	<u>4,992</u>
Difference	7,749	(164)	2,824	(1,794)	(458)
Net Cases Disposed					
1978	13,280	4,121	33,835	53,239	4,683
1977	<u>10,362</u>	<u>4,097</u>	<u>30,972</u>	<u>52,247</u>	<u>5,022</u>
Difference	2,898	24	2,863	992	(359)
Outside Judge Disposals					
1978	154	123	553	175	35
1977	<u>133</u>	<u>27</u>	<u>3,308</u>	<u>79</u>	<u>363</u>
Difference	21	96	(2,753)	96	(328)
Juries Called					
1978	339	216	133	94	33
1977	<u>237</u>	<u>199</u>	<u>115</u>	<u>121</u>	<u>16</u>
Difference	102	17	18	(27)	17
Average Age Difference Filing to Disposal					
1978	253	131	94	66	63
1977	<u>320</u>	<u>139</u>	<u>99</u>	<u>68</u>	<u>62</u>
Difference	(67)	(8)	(5)	(2)	1
Average Age Active Pending Cases					
1978	300	725	943	276	144
1977	<u>358</u>	<u>620</u>	<u>836</u>	<u>250</u>	<u>104</u>
Difference	(58)	105	107	26	40

**STATISTICAL HIGHLIGHTS
CASES FILED AND DISPOSED 1977 vs. 1978
(continued)**

MUNICIPAL COURT CASELOAD

<u>Type of Violation</u>	<u>Cases Filed</u>
Traffic	61,815
Parking	13,512
Building	2,472
Health	496
Library	185
Minor Misdemeanors	11,907
Total Cases Filed in 1978	90,387
Cases Disposed during 1978	77,915
Cases Pending January 1979	12,472

CASE STUDY NUMBER 6

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SUMMARY OF FINDINGS

This report presents the findings of a site visit undertaken to study the incidence and impact of training among court personnel in a large metropolitan area of the United States. The case study reviews the structure and operation of the court system and provides results of interviews conducted with judges, prosecutors, defenders, court administrators and other related court personnel.

Major Changes and Trends in the Jurisdiction

Most of the changes that have occurred within the court system during the past few years have focused on two goals: reducing the delay in moving cases and improving the administration of the state court system.

A constitutional amendment of 1978 increased the number of judges on each of the intermediate appellate courts from three to six. There is a referendum pending for November 1979 to establish an intermediate criminal appeal court as part of the present system in order to expedite the disposition of criminal cases. Other activities of the 1978 legislature intended to reduce delay included increasing the jurisdiction of the justice courts and passing a Speedy Trial Act.

The State Office of Court Administration was created by the legislature in 1977 to assist the Supreme Court in its administrative duties. The Administrative Director's duties include preparing and submitting budget estimates and making recommendations regarding form, methods and systems used in clerks' offices. In the same year, legislation was passed creating court coordinator systems for district courts, and court manager and coordinator systems for certain county courts to improve criminal justice administration in those courts.

In the area of continuing legal education, the State Center for the Judiciary was established in 1973, primarily with LEAA funds, to provide educational programs for state judiciary and support personnel. In addition to sponsoring seminars and conferences, the Center publishes and distributes training manuals, deskbooks and newsletters for judges and provides financial assistance for judges to attend the National Judicial College in Reno. The operating budget for 1979 is \$450,000.

Incidence of Training in the Jurisdiction

The high percentage of judges on the Court of Civil Appeals who have attended both state and national training attests to the encouragement offered by the Chief Justice of the Court regarding judicial education.

The district and county court judges, on the other hand, attend training primarily on their own initiative, with little or no support offered by their presiding judge. The municipal court supervisor, however, strongly advocates training and sends two judges every year to a national program. The incidence of training in all three groups of trial judges is high among those interviewed. No group complained about the lack of funding for training.

The two court coordinators interviewed had been recommended to ICM by one of the district judges who is an instructor there. Neither, however, felt that the county would continue to offer financial assistance for their future training.

The private attorneys interviewed were selected because of their attendance at either the National College of Criminal Defense Lawyers and Public Defenders (NCCDLPD) or the National Institute for Trial Advocacy (NITA). With no public defender system, the courts rely on private criminal defense lawyers for counsel to indigent defendants. The three attorneys interviewed as participants at NCCDLPD seminars had also participated in state training and in seminars offered by the state defenders association. It is impossible to determine the incidence of training among criminal defense lawyers without surveying a larger number.

The private attorneys who attended NITA were also frequent participants in other types of training programs geared toward lawyers in private practice with a focus on civil law. Both attorneys who attended NITA were financed by their firms.

While the District Attorney's Office is committed to the concept of continuing legal education for its staff, the support is somewhat limited to in-house training, which is rather extensive, and state-sponsored educational programs. Two attorneys interviewed had attended the National College of District Attorneys (NCDA) for courses in Organized Crime, which related specifically to work in their division. Two investigators have also been enrolled in this course, but no other prosecutors from the office have taken advantage of the proximity of NCDA to their city to attend courses there. The low incidence of national training attendance also reflects the District Attorney's belief that on-the-job experience is the best training. See *Exhibit 1*.

Impact of Training on the Jurisdiction

Much of the training of the court personnel in this jurisdiction has served to improve personal skills and techniques, rather than create any significant systemic change. The appellate judges, for example, cited improvements in writing skills as a prominent effect of training. The criminal defense lawyers also listed examples of changes in skills and attitudes, admitting that they probably could not affect the court system to any great extent as private attorneys. Those attorneys in private practice who attended NITA were motivated by a desire to enhance their trial techniques and felt that this goal had been accomplished. The attorneys believe that their improved preparation and performance in the courtroom would indirectly improve the quality of justice in the jurisdiction.

The trial judges, in addition to noting that methods of trial preparation and organization had improved as a result of training, also listed system changes which had occurred upon their return from national programs. They mentioned among the changes a new voir dire system, improved docket management, and expansion of sentencing alternatives within their jurisdiction.

The court coordinators found it difficult to measure the impact of training on their offices, since several new administrative procedures were adopted at the same time which increased efficiency and effectiveness in court administration. However, one coordinator did cite several activities that he developed within his office to improve management, and the second felt that the interpersonal skills that he gleaned from training were significant since more authority and personnel management duties were being delegated to the court coordinators.

DESCRIPTION OF THE AREA

Site Description

The site of this case study is a major city located in the southwest region of the United States. The city occupies 40 percent of the square miles of the county in which it is situated. Estimates for 1978 indicated that the population of the city was 853,800; the population of the county was 1,485,300. The median household effective buying income for 1978 was \$18,116. Manufacturing is the major industry, with oil field machinery, general electronic components, radio and TV equipment, semi-conductors and related devices as the chief industrial products.

Court Jurisdictions

The present court system of the state, established by a constitutional amendment of 1891, provides for a Supreme Court, the highest state appellate court in civil matters; a Court of Criminal Appeals, the highest court in criminal matters; and fourteen intermediate Courts of Civil Appeals. There is no intermediate court for criminal appeals. Such appeals go directly from the trial courts to the Court of Criminal Appeals.

The state trial courts of general jurisdiction are the district courts, established by the Constitution. In some metropolitan areas, they have been established as courts having exclusively civil, criminal or family jurisdiction of each individual district court, as established by the specific statute creating the court.

The Constitution provides for a county court in each county, presided over by the county judge. To relieve the congestion of the single "constitutional" county courts, the legislature has established statutory county courts at law in certain counties with large populations.

The Constitution also provides for justice of the peace courts in each county, which since 1953 have also served as small claims courts. The legislature has created by statute municipal courts in each incorporated city. Trials in the justice of the peace courts and most municipal courts are not of record.

Each of the courts relevant to the case study will be discussed below.

TRIAL COURTS

The *District Courts* are the general trial courts of the state. There are approximately 306 separate district courts, identified by separate numbers, each having its own judge and geographical jurisdiction. In many cases, the geographical jurisdiction of two or more courts is overlapping.

Generally, the district courts have original jurisdiction in all criminal cases of the grade of felony, cases of divorce, title to land, contested elections and all civil matters wherein the amount of controversy is \$1,000 or more. The district court has concurrent civil jurisdiction with the "constitutional" county courts in cases of at least \$500. They have original and appellate jurisdiction in probate matters and general supervisory control over commissioner's courts (county governing bodies).

District courts also have general or original jurisdiction over all courses of action for which a remedy or jurisdiction is not provided by law or the Constitution and have the power to issue writs. Most district courts exercise both civil and criminal jurisdiction; but in the metropolitan areas, there is a tendency for the courts to specialize in either civil or criminal cases.

Several district courts are specifically established by law and designated as criminal district courts. In general, these courts exercise exclusively criminal jurisdiction, although in some courts the jurisdiction has been increased to include civil matters.

In addition, family district courts have been created by law to replace domestic relations courts and special juvenile courts. Each has the jurisdiction and power provided for district courts by the Constitution and laws of the state, but the statutes specify that the jurisdiction of the other district courts is not limited by the acts, nor do they relieve them of responsibility for handling cases including family law matters.

The "*Constitutional*" *County Courts* have concurrent jurisdiction with justices of the peace courts in civil cases when the amount in controversy is \$200 or more and less than \$500. They have general jurisdiction over all misdemeanors carrying a fine exceeding \$200 or a jail sentence up to two years except in a county where a criminal district court exists.

The courts have *de novo* appellate jurisdiction of cases tried in justice of the peace and municipal courts and may issue writs of habeas corpus, unless such jurisdiction was conferred upon the district court.

The *County Courts at Law* are created by the legislature to relieve that "constitutional" county judge of all or part of his judicial duties. In general, county courts at law have concurrent jurisdiction with district courts in civil matters where the amount in controversy is at least \$500 and not more than \$5,000. Other jurisdictions of a county court at law are, broadly speaking, either carved out of the "constitutional" county court's regular jurisdiction or shared with it.

Municipal Courts have original and exclusive jurisdiction over purported violations of city ordinances and concurrent jurisdiction with justice of the peace courts over state misdemeanors occurring within the jurisdiction of the municipality where punishment upon conviction is by fine only, not to exceed \$200.

APPELLATE COURTS

The *Supreme Court* of the state is the highest state appellate court in civil matters; it has statewide final appellate jurisdiction in civil and juvenile cases only, has original jurisdiction to issue writs, and conducts proceedings for involuntary retirement or removal of judges. The *Court of Criminal Appeals*, the state's court of last resort in criminal matters, may also issue the writ of habeas corpus and other writs necessary to its jurisdiction. Both these courts sit in the state's capital.

A *Court of Civil Appeals* sits in each of 14 Supreme Judicial Districts around the state. These courts have intermediate appellate jurisdiction in civil cases only from trial courts in their respective Supreme Judicial Districts. They may also issue writs necessary to enforce their jurisdiction.

COURT OF CIVIL APPEALS

Organization

The state is divided into 14 "Supreme Judicial" districts, each having one Court of Civil Appeals with a chief justice and two associate justices per court, except for two large cities, including this one, which has five associate justices.

The justices are elected on a partisan basis from the districts, with vacancies filled by gubernatorial appointment with the advice and consent of the State Senate. The chief justice receives \$45,900 and the associate justices \$45,000. Supplements may be paid by the counties in each district, not to exceed \$8,000 per year; and total salary must be \$1,000 less than that received by Supreme Court associate justices.

Management

The Supreme Court has administrative authority over the courts in the state. The Chief Justice is not vested with the power of general supervision of the court system, but he does have assignment powers.

The Office of Court Administration, headed by the Administrative Director of Courts, has been recently created by law to assist the justices, judges, clerks, and other court employees in discharging their administrative duties.

The Chief Justice of the Court of Civil Appeals is the administrative head of his appellate court.

Caseload Information

The statistics for 1978 are given below.

COURTS OF CIVIL APPEALS

Cases pending January 1, 1978	102
New cases filed	358
Cases transferred in	1
Cases transferred out	192
Rehearings granted	3
Cases affirmed	64
Cases modified and/or reformed and affirmed	3
Cases affirmed in part and in part reversed and remanded	3
Cases affirmed in part and in part reversed and rendered	0
Cases reversed and remanded	21
Cases reversed and rendered	15
Cases dismissed:	
with written opinion	1
without written opinion	38
Cases otherwise disposed:	
with written opinion	11
without written opinion	4
Total cases disposed	160
Total cases decided:	
including dismissals with opinion	118
excluding dismissals with opinion	117
Cases pending December 31, 1978	112
pending up to 6 months	96
pending from 6 to 12 months	17
pending over 12 months	0
Average time between date of filing and disposition (months)	4½
Average time between date of submission and disposition (months)	1

Incidence of Training

Four judges from the Court of Civil Appeals were interviewed regarding training. Three of the judges had been elected to the appellate court during the past year, and the fourth had been on the bench for five years. Their average years of experience in the law was approximately 35.

All of the four judges interviewed had attended either state-sponsored judicial continuing education courses or seminars sponsored by the judicial section of the state bar.

Three judges had been participants in an LEAA-funded institution. All three had attended a writing seminar sponsored by the American Academy of Judicial Education (AAJE), and one had also participated in the Appellate Judges Seminar of the Institute for Judicial Administration (AJS/IJA).

One of the judges mentioned that the Chief Justice of this court encourages training and noted that he himself advocates continuing legal education as a "good investment of time and money for serious and committed judges."

Impact of Training

With regard to changes observed in skills and procedures, most judges attributed any recent modifications to their assuming a new position, to extremely heavy caseloads, or to new procedures. Caseloads were described as having risen by one-third in the past year. An example of a new procedure is the 30-day review period for judges during which time they may excuse themselves from a particular case.

The writing seminar offered by AAJE attended by three judges was highly praised for its excellence of instruction. All three participants felt that they had enhanced their ability to write clear and organized opinions. One judge began using outlines for structuring his opinions and also discovered methods to keep them concise. They all expressed a desire to return to AAJE for other types of courses.

The judge who was an AJS participant noted that this seminar, which focused on criminal law, was not especially relevant to his role in a civil appellate court. Nevertheless, he said his participation increased his appreciation for his own state's division of the appellate court into criminal and civil areas. He felt the major strength of the program was the opportunity to exchange ideas with other judges and suggested that the course be improved by a more deliberate selection of discussion leaders for the small group workshops.

The AJS participant listed several effects of the course on his role and activities in the court. He made organizational changes regarding docket handling, and he initiated a four-week review of all cases by the judges. In addition, he became aware of his state's weaknesses regarding personnel procedures and library facilities in the court.

The judge interviewed as a comparison had attended the State Judicial Conference on criminal procedures during the past year and attends the Bar Association's continuing legal education courses. He commented that he reads publications to keep abreast of recent changes in the law but refused to discuss further the topic of judicial education.

TRIAL COURTS

Organization

The *District Courts* in this jurisdiction have a unique organizational system. The site is within the first Administrative Judicial District, which housed 138 active judges in 1978. The state is divided into nine Administrative Judicial Districts for statistical purposes, but in actuality each judge controls his/her own courtroom. District Judges are elected to four-year terms and are paid approximately \$34,500 annually.

The state constitution provides for one *County Court* with one judge for each county in the state; however, the legislature can create special single-judge statutory county courts at law to alleviate the heavy caseload. This County has 116 "created" courts: five Courts at Law, eight Criminal Courts, one County Criminal Court of Appeals and three Probate Courts. All judges are elected to four-year terms. Salaries vary according to whether the judge is full or part-time. A full-time County Court judge earns approximately \$46,800 annually.

Each county is divided into four to eight justice precincts with each having an elected Justice of the Peace. Justices of the Peace serve four-year terms and earn up to \$24,000.

The *Municipal Court* in this jurisdiction consists of seven full-time judges. There are ten "associate" judges who are assigned two workdays each month. They may sit on weekends or substitute for judges on vacation.

Management

For the administration of district courts, the state is divided into nine administrative judicial districts, each headed by a presiding judge. With the advice and consent of the Senate, the Governor appoints an active or retired appellate or district judge who resides within the district for a four-year term. Presiding judges have limited administrative powers over the district, primarily relating to assignment of judges and transfer of cases to relieve congested court dockets. Each district judge controls his/her own courtroom with little procedural consistency among the courtrooms.

Constitutionally, the Supreme Court has the power to remove a District Judge from office upon the complaint of ten or more lawyers practicing in the judge's court. District judges are granted the power to remove for cause any County Judge or Justice of the Peace.

District courts giving preference to criminal cases in counties with a population over 700,000 may establish a court coordinator system. These courts may designate the duties to be performed by the coordinators to improve criminal justice and expedite the processing of criminal cases through the district courts. Elected district clerks serve the district courts in each county.

Presiding judges of county courts are elected to a six-month term by the judges of county courts in counties with a population greater than 1,500,000 in which there are nine or more county-level courts having criminal jurisdiction. Presiding judges are generally responsible for efficient administration of criminal justice matters.

As of June 1977, counties having two or more statutory county courts with criminal jurisdiction may establish and maintain a court administrator system, with the approval of the commissioner's court. The courts designate the duties of the court administrator, who is appointed by and serves at the pleasure of the judges of the courts. As of August 1977, county-level courts with criminal jurisdiction in counties with a population over 1,500,000 may establish and maintain a court manager and coordinator system, similar to that of the district courts. County clerks, who are elected every four years, serve county-level courts in the county.

Caseload Information

Caseload information for district, county and municipal courts is offered as *Exhibit 2*.

Incidence of Training

Twenty-two judges were interviewed, including fifteen participants, one supervisor, and six comparisons. The respondents consisted of eight district court judges, seven county court judges, and seven municipal court judges.

Of the eight district court judges interviewed, four were NJC participants, one was an AAJE participant, and three were comparisons. The county court judges included five NJC participants, one participant of both NJC and AAJE, and one comparison. Among the municipal court judges were three AAJE participants and one judge who attended both AAJE and NJC.

The respondents had an average of 20.5 years of professional work experience with 19.5 years in the area of law. The participants had rather extensive training histories with a total of 74 courses attended by all. The NJC residential program in General Jurisdiction was attended by seven judges; 18 other short courses sponsored by NJC were also attended by this group. Eleven sessions sponsored by AAJE were attended by the participants. In addition, 16 state judicial conferences, as well as several sponsored by the National Judges Conference, the State College for the Judiciary, and state bar programs were among those listed by participants.

The comparisons interviewed attended a total of 22 training courses, which included 17 annual meetings of the State Judicial Conference.

There is no uniform policy or attitude regarding training among judges in all the courts. Most of the judges initiate their own enrollment in courses, with little encouragement from supervisors. The only expression of strong commitment to training came from the municipal court supervisor who sends all full-time judges to AAJE. At least two judges from this court attend national training each year.

Two court coordinators, one from a district court and one from a county court, were interviewed regarding their training experiences. Both coordinators, who had been hired in 1972, were involved in completing masters degrees as well as attending regional and national workshops relating to court administration. One coordinator was a fellow of ICM and the other had attended four week-long courses over a four-year period. Their enrollment at ICM had been strongly encouraged by a district court judge who is on the faculty there. In addition, both had attended the State Center for the Judiciary for courses on Court Administration. One had gone four times and the second twice, each for three-day workshops.

Impact of Training

Participants of AAJE considered the course fully applicable to their needs. Major strengths noted by them were the expert faculty and the contact with judges from other jurisdictions. All the judges looked forward to attending other advanced courses or seminars in specialized topics at AAJE.

The personal changes experienced by the judges subsequent to AAJE training included improved listening skills in the courtroom, refinement of trial techniques, and writing style modifications. One respondent who is presently working on a masters degree attributed his interest in pursuing this degree to the inspiration derived from an AAJE seminar.

The supervisor from the municipal court felt that the most noticeable impact of AAJE training on judges in his court was the obvious increase in confidence, as well as expansion of general knowledge of the law.

Organizational changes occurred within the municipal court as a result of the AAJE training. The court now utilizes separate dockets for misdemeanor and traffic offenses. Sentencing alternatives discussed at courses are being implemented. For example, offenders may be pressed into community organization activities.

The 11 NJC participants were not as enthusiastic about their training as those who had attended AAJE. In general, they rated the program as only adequate in meeting their needs, but they did acknowledge the expertise of the faculty.

Judges who had recently assumed their positions were most laudatory about NJC, claiming that the interaction with other judges broadened their perspectives and created an awareness of their role group. These new judges left with increased confidence and self-esteem.

Several personal and organizational changes were implemented by trainees after the course. One judge uses the course materials to assist him in determining search and seizure violations. Other judges noted improvements in their use of court administrators, better docket management, and a higher degree of efficiency and organization in managing the office and courtroom. One judge requires attorneys to present their briefs, exhibits, and testimony outlines before the start of a trial so that he can pre-screen the materials for relevance and consequently save time. One courtroom implemented a new voir dire system as a result of ideas gleaned from NJC training.

The complaints about the course were concerned with the regimentation of the program and strict attendance requirements, the lack of applicability to their specific jurisdiction, and the need for more courses for support staff, such as clerks and bailiffs.

Since the jurisdiction is not highly unified, it is difficult to form any conclusions about system-wide impact of training. Most of the changes observed are those of individual judges in individual courtrooms. The lack of procedural uniformity among the courts also discourages a basis of comparison between the judges.

The judges who had not attended LEAA-funded training had also not attended many state/local training programs. The participants in national training tended to be very enthusiastic about training and most of them attended more than one national program along with several state/local sponsored functions. This pattern suggests that the comparisons were not avoiding NJC or AAJE specifically, but were not supportive of training in general.

The court coordinators observed that numerous changes had taken place in the area of court administration over the last few years. The creation of their position in 1972 had not been accepted wholeheartedly by many court personnel, but both believe that at this time judges, lawyers, and clerks recognize their dependence on the coordinators for more efficient scheduling and movement of cases. They cited the speedy-trial law (90-days for misdemeanors; 120 for felonies) as having a major effect on their responsibilities. The coordinators felt that during the past few years the docket management and rate of disposition has improved and that the general control of the docket was finally out of the District Attorney's Office.

Both coordinators rated their training at ICM high in all areas, noting especially the excellence of faculty and the opportunity the seminars afforded them to meet with a great number of experts at one time. They commented favorably on the openness of faculty to participant feedback and criticism. One coordinator has consulted with instructors for technical assistance upon the completion of his courses, and the other is appreciative of the opportunity to avail himself of expert opinion in the future. Both would like to return for advanced courses in the future but fear that the county would refuse to finance any additional courses, forcing them to seek private funds or scholarships.

The results of training at ICM that one coordinator noted included speedier dispositions, earlier appointment of attorneys to cases, and enlightened discussions about administrative improvements with judges on his court that may be implemented on a court-wide level.

The second coordinator listed improvements in interpersonal skills which had given him better understanding of human behavior as a result of some ICM courses. He also felt that his docket was better organized, the result of ideas gleaned from ICM training.

THE PROSECUTOR SYSTEM

Organization

Prosecution of all crimes and offenses within the County is the responsibility of the District Attorney's Office. The office is supervised by an elected District Attorney and consists of 112 attorneys, 30 investigators, 40 secretaries, and three paralegals.

The staff is divided into 15 divisions: Specialized Crime, Career Criminal, Training, Administrative Support, Trial, Appellate, Condemnation, Investigative, Child Support, Justice of the Peace, Grand Jury, Records, Complaints, Checks, and Juvenile Divisions.

The salary range for the elected prosecutor is \$35,000 to \$46,000. The assistant prosecutors receive between \$13,000 and \$41,000, and investigators' salaries range from \$14,000 to \$20,000.

Management

Overall control of the office is handled by the District Attorney. He has occupied this position since 1950, along with the concurrent one of County Attorney. The DA hires a First Assistant to handle administrative and budgetary matters. There are four chief felony prosecutors who supervise all trial functions, except those conducted by the Specialized Crime Division and the Career Criminal Division.

The Training Division consists of one person who also acts as supervisor of the misdemeanor prosecutors. There are seven County (misdemeanor) Courts with three prosecutors and one investigator assigned to each. The attorneys within each team are ranked according to experience and ability. New prosecutors begin as a Misdemeanor Prosecutor III and must move through the other levels before transferring to felonies or one of the specialty divisions.

For the felony (district) courts, the same system of assigning three ranked prosecutors and one investigator to each court is utilized. After serving as a felony trial

lawyer, the prosecutor may advance to one of the three top divisions: Specialized Crime, Career Criminal or Grand Jury. These divisions recruit internally from among the experienced trial lawyers.

Caseload Information

Caseload information for the felony courts was obtained for 1978. There were 748 jury trials with 631 convictions—a conviction rate of 84.4 percent. A total of 331 cases were contested before the court without a jury.

Misdemeanor courts heard 1,206 cases before the court with 541 convictions. There were 483 jury trials with a total of 33 convictions. County courts had an approximate conviction rate of 95 percent.

Incidence of Training

In the early 1970s, the office received a federal grant to develop and implement a Special Prosecutor's Training Course. The more experienced trial lawyers on staff contributed articles to an extensive training manual published by the Training Division. This notebook was revised yearly, and the subject matter was geared to state laws.

The actual course was held annually, open to all state prosecutors, investigators and police officers. The County entertained 200-400 people each year for the one week seminar. To facilitate attendance, the seminar was scheduled during the same week as the annual State Judicial Conference; therefore, all state courts were inoperative during this time period. Speakers included local experts in various phases of prosecution, as well as instructors from the National College of District Attorneys.

In 1977, the office did not receive the grant, and subsequently the course funding has been assumed by the state. The Special Prosecutor's Training Course is still held annually in the capital city of this jurisdiction. All new prosecutors within this office must attend the annual session.

At this time, the title of Training Officer is meaningless. There is no functioning Training Division, and in-house training is restricted to new prosecutors or those in the misdemeanor division.

There is mandatory training for all County Court prosecutors every Saturday morning from 9:30 to 12 noon. Felony prosecutors lecture on various relevant subjects. When asked if the attorneys complained about the required attendance on Saturdays, the Division Chief responded, "When they become trial lawyers, they will have to work Saturdays for trial preparation, so they should get used to it."

Only four interviews were conducted in the District Attorney's Office, with three participants and one supervisor. According to the information received from the LEAA-funded training institutes, only two investigators and two prosecutors on staff

have attended programs of the National College of District Attorneys. All participants attended the College sponsored course on Organized Crime, and all are employed by the Specialized Crime Unit. The only other course attended by the respondents was the Special Prosecutors Training Course.

The lack of attendance at national programs is especially surprising since this jurisdiction is in close proximity to NCDA. The attitude expressed by the interviewees towards training reflects that of the District Attorney. "Experience is the best teaching tool. Actually, trying cases is the best form of training."

Impact of Training

The three participants interviewed attended the National College of District Attorneys' Program on Organized Crime. They felt that the course was less than adequate in meeting the needs of the system which sent them. One investigator commented that it had "no regional bearing."

Faculty expertise was viewed as a major strength of the course. Two attorneys said they would return if the College offered a more advanced course in the topic area or courses on antitrust, consumer fraud or white collar crime.

Personal changes subsequent to training included modifications in trial preparation, investigative techniques, preparing search warrants and working with grand juries. There were no organizational changes attempted. Two respondents said that they would recommend the course to other prosecutors.

The major weakness of the institute, according to one respondent, was its lack of applicability to the jurisdiction. One interviewee felt that while good suggestions were offered for solving problems in organized crime prosecution, their jurisdiction has neither the money nor the resources to implement many of them.

One supervisor was interviewed who witnessed no noticeable difference among trained attorneys after educational programs. He supports the District Attorney in the view that 95 percent of training comes from pure experience and claims that training is more beneficial to new or less experienced prosecutors than those in his division. Such programs, he felt, instill confidence in the novice.

First priority for the supervisor in his division and for the entire office is the "job." He expressed no pressing need for funds and said that the office had no problem seeking funds for attorneys who wished to attend a training session.

When questioned as to why their prosecutors do not attend NCDA, the supervisor responded that national training has too broad a focus and that state-sponsored courses are geared to their state laws and judges.

DEFENDER SYSTEM

Organization and Management

There is no organized defender system in this county. Indigent persons who are entitled to the appointment of counsel in criminal and juvenile cases are provided a private attorney appointed by the court having jurisdiction. Each judge in the county maintains an individual list of attorneys who are appointed on a random, *ad hoc* basis. One juvenile judge assigns counsel by rotation from a large panel list.

A defense attorney receives a minimum of \$50 for every appearance other than trial and \$250 to \$300 for each day of trial. The State Attorney General has ruled that an attorney may be compensated for only one appearance per day. Statistics over the past five years indicate that the number of cases has remained relatively constant but the amount paid to counsel has increased in the same period.

An Indigent Defense Committee was created by the County Commissioner's Court to analyze the present system of providing legal representation in the county. This committee requested a formal evaluation from a national defenders organization to ascertain whether defense representation could be provided in a more beneficial and cost-effective manner. The evaluation, which was submitted in May 1978, includes several pertinent observations and recommendations:

- *Representation afforded indigent defendants in the county courts by the private bar is equal to that offered a retained defendant by the same lawyer.*
- *There are approximately 500 "criminal lawyers" in the county who do a significant amount of criminal representation. A survey undertaken by a bar group in the county revealed that 21 attorneys received 60 percent of the total amount being spent for indigent representation in 1978.*
- *The assistant district attorney was the person, in at least some of the criminal courts in the county, who had primary control over the case-flow and assignment of cases, with the acquiescence of the judge.*
- *The ad hoc assignment of counsel followed by the judges was considered inappropriate because of observations that judges appoint lawyers whom they feel "move the cases along efficiently" according to the judges' particular standards and procedures.*

The evaluators did not feel that at this time a public defender system was necessary, but offered three major recommendations for improving the defense representation of the courts:

- *Early entry of counsel as soon after arrest as possible, not after indictment.*
- *Establishment of an independent coordinator assigned counsel system; and*
- *Modifications of methods of compensation for counsel.*

Caseload Information

<u>Year</u>	<u>Number of Attorneys Assigned*</u>	<u>Total Amount Paid Counsel**</u>
1974	3,495	\$ 810,954
1975	4,898	901,480
1976	4,422	1,022,000
1977	4,435	1,325,000
1978	4,155	\$1,789,427
1979 to April 30	1,581	—

*Includes only District Courts and Annex Courts

**Includes all courts

Incidence of Training

Three private attorneys were interviewed whose practice was primarily in the area of criminal defense. All three had been participants in seminars sponsored by the National College of Criminal Defense Lawyers and Public Defenders (NCCDLDPD).

One of the attorneys had attended the three-week Basic Defenders Course; one had attended three short courses in Voir Dire, Psychodrama, and Advanced Cross-Examination; and the third had attended two short courses, including one in Forensic Evidence.

Two of these attorneys had also attended state bar seminars; one periodically lectures at meetings sponsored by the state Criminal Defense Lawyers Association, which he frequently attends.

Two of these attorneys had been in private practice for six years, since graduation from law school. The third had been in private practice for 10 years and had previously served as state prosecutor for 6 years.

(Two other attorneys interviewed are largely in civil practice. They attended NITA programs and are discussed later in this report.)

Impact of Training

The attorneys made several comments regarding current trends in the court system, especially regarding the operations of the District Attorney's Office. They claim that the District Attorney's Office rules the court, that it is engrossed in promotions and politics, and that it is overly concerned with sex-related crimes and pornography.

The attorneys also railed against the practice of judges appointing the defense for the defendant. One attorney said he rarely gets appointed and has served on federal courts recently because they have a rotation, not a selection, system. A second attorney received an LEAA scholarship to attend NCCDLPD, with the stipulation that he represent indigent defendants, but he gets so few appointments that he expects to be giving up his defense practice shortly.

Two of the three participants would like to return to NCCDLPD for additional courses; one attorney claimed that he would be willing to repeat all three of his courses. He felt that the course in Psychodrama was an overall "self-improvement" course that affected him personally and which subsequently enhanced his professional activities. For example, he developed an awareness of the trial lawyers' emotional reaction to the power of a judge and was better able to control his frustrations and accept his limitations in the courtroom. He credited Dean Ackerman for the success of programs at the College.

Another attorney felt that the greatest strength of the residential seminar he attended at NCCDLPD was the faculty and the teaching techniques which utilized a great deal of videotaping. He felt the course improved his trial techniques and increased his knowledge of substantive law. He discerned some tension during the course between the private attorneys and the public defenders whom he felt appeared "very self-righteous about their profession." He feels limited to attending only short-term workshops, noting that a three-week session at this time would probably jeopardize his practice.

PRIVATE ATTORNEYS

Incidence of Training

Two private attorneys were interviewed who had participated in National Institute for Trial Advocacy (NITA) training. They had been in practice three and four years respectively and had been enrolled in the course within the last year. One of the attorneys had recently completed one week of the basic course and was to complete the program within the next month through attendance at a second one-week session.

In addition to the NITA course, both attorneys had participated in state continuing legal education, with one specifically enrolling in courses related to anti-trust and real estate. The other attorney also attended sessions of the State Bar and courses sponsored by the Practising Law Institute and the Southwest Legal Foundation, mostly in areas of occupation and safety, and labor law.

Impact of Training

The changes in professional skills and knowledge observed by the attorneys were attributed primarily to experience. With regard to trends in the court system itself, one attorney involved primarily in corporate litigation replied that he feels there has been less court involvement in discovery matters on the federal level and much more bargaining between counsel. He believes there is greater reluctance of state-level judges to enforce procedural rules against poorly prepared litigants, thus making it easier to file a suit.

The NITA training for both attorneys was financed by their firms. One had been recommended to NITA by a partner in the firm who is on the NITA Board of Directors. He sees as the greatest strength of the program the personal attention received by each participant, but regrets that the course, by its very nature, gets rather intense and often repetitive. He acknowledges improvements in cross-examination due to training, even after only one week of attendance.

The second attorney involved primarily in corporate litigation, and who seldom appears in court, felt that NITA had given him "trial experience in three weeks that would have taken two years to gain." He cites as a major strength of the program the role-playing sessions with follow-up critiques. He suggested that more emphasis be placed on cases regarding commercial law, as opposed to focusing strictly on criminal law. The greatest changes he initiated as a result of the training related to his questions in deposition and the refinement of his skills in practice.

Both attorneys would like to attend other NITA courses.

INCIDENCE OF TRAINING IN EIGHT INSTITUTES

Role Group	Total Number At Site	Number Interviewed On Site	Number of Training Participants	Others Interviewed On Site	Mail Questionnaires Distributed
Appellate Judges	6	4	AAJE-2 IJA-1	Comparison-1	IJA-1
Trial Judges	66	22	AAJE-4 NJC-11	Comparison-6 Supervisor-1	NJC-4
Court Administrators	NA	0	0		
Prosecutors	112	3	NCDA-2	Supervisor-1	
Defenders		No Public Defender System in this County			
Private Attorneys	NA	5	NITA-2 NCCDLPD-3		NCCDLPD-4
Others	NA	Court Coordinators-2 Investigators-1	ICM-2 NCDA-1		

COURT REPORTED ACTIVITY-1978

DISTRICT COURT

CRIMINAL DOCKET:

	Total
Cases on Docket:	
Cases Pending January 1978	6,472
Cases filed by indictment	11,344
Cases filed by information	769
Transfer on change of venue	3
Other cases reaching docket	11
Total cases on Docket	18,599
Dispositions:	
Convictions	
Guilty plea-no jury	7,600
Not guilty plea-no jury	
Guilty plea-jury verdict	79
Not guilty-jury verdict	
Total convictions	8,318
Lesser off/Convictions	1,466
Acquittals	
Non-jury trial	121
Jury verdict	49
Directed verdict	1
Total Acquittals	171
Dismissals	
Insufficient Evidence	374
Def. convicted other case	418
Request complain witness	336
Case refiled	618
Defendant unapprehended	599
Defendant deceased	63
Def. granted immunity	0
Other	510
Unknown	
Total dismissed	2,918
Transfer on change of venue	
Transfer to county court	468
Total dispositions	11,875

**COURT REPORTED ACTIVITY—1978
DISTRICT COURT**

CRIMINAL DOCKET (CONT.):

Cases Pending Dec. 31, 1978	Total 6,724
Miscellaneous:	
Probations Granted	4,382
Revocations filed	1,287
Revocations granted	924
Committed to IDC	
Cases	2,428
Persons	2,395
Committed to local jails	
Cases	1,085
Persons	1,376
Cases-fined only	
Amt fines assessed (in \$100)	6,644
Death sentences	5
Life sentences	140
Years in pris/jail assessed	41,738
Number of cases in which:	
Jury Panel examined	756
Jury sworn	756
Jury sworn & evidence presented	756
Jury sworn mistrial	15
Hung jury	32
Jury verdict rendered	709
Attorney(s) appointed	4,313
Number of persons indicted	10,271

CIVIL DOCKET:

Cases on Docket:	
Cases pending January 1, 1978	18,221
New cases filed during year	33,677
Other cases reaching docket	1,995
Total cases on docket	53,893
Dispositions:	
Removed to federal court	73
Transferred-plea/privilege	348
Default judgement	2,125
Agreed judgement	2,889
Complete summary judgement	380

COURT REPORTED ACTIVITY-1978
DISTRICT COURT

CIVIL DOCKET (CONT.):

Dispositions (cont.):

Judgement after trial/no jury	16,777
Granted (annul. & divorce)	
Denied (annul. & divorce)	
Judgement on jury verdict	309
Granted (annul. & divorce)	
Denied (annul. & divorce)	
Directed verdict or J.N.O.V.	23
Granted (annul. & divorce)	
Denied (annul. & divorce)	
Dismissed want/prosecution	5,680
Dismissed by plaintiff	2,407
Other	3,215
Total dispositions	34,226

Cases Pending December 31, 1978	19,667
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Miscellaneous:

Number of cases in which:

Jury fee paid/oath filed	4,399
Jury panel examined	483
Jury sworn	475
Jury sworn, settled	85
Jury sworn & evidence presented	448
Mistrial or hung jury	25
Directed verdict	33
Jury verdict rendered	325
Non-jury trial settled	2

Show cause motions	138 dismissed
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JUVENILE DOCKET

Total cases on docket	3,118
Total dispositions	2,730
Cases Pending December 31, 1978	388

COURT REPORTED ACTIVITY—1978
COUNTY COURT

Exhibit 2
Page 4 of 5

CIVIL DOCKET:

	Total
Cases on Docket:	
Cases pending January 1, 1978	14,853
New cases filed during year	17,074
Transfer on change of venue	71
Appealed from lower courts	358
Other cases reaching docket	293
Total cases added	17,796
Total cases on docket	32,649
Dispositions:	
Default or agreed judgments	11,321
Judgment after trial	
By judge	379
By jury	59
Dismissed	6,869
Other	1,221
Total dispositions	19,549
Cases Pending December 31, 1978	12,800

CRIMINAL DOCKET

Cases on Docket:	
Cases pending January 1, 1978	44,098
New cases filed during the year	35,326
Appealed from lower courts	15,164
Other cases reaching docket	420
Total cases added	50,810
Total cases on docket	94,908
Dispositions:	
Plea of guilty/nolo contendere	28,468
Trial on plea of not guilty	
Found guilty—by a judge	541
Not guilty—by judge	680
Found guilty—by jury	301
Not guilty—by jury	153
Dismissed	13,236
Other	18,395
Total dispositions	59,774
Cases Pending December 31, 1978	35,134

COURT REPORTED ACTIVITY-1978

COUNTY COURT

PROBATE DOCKET

Cases filed	8,837
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MUNICIPAL COURT

DOCKET ACTIVITY:

	Traffic Misdemeanors	Non-Traffic Misdemeanors
Cases filed	248,698	51,936
Dispositions prior to trial		
Bond forfeitures	7,017	10,358
Payments of fine	203,752	8,462
Dispositions at trial		
Guilty-by judge	11,752	1,269
Not-guilty-by judge	529	72
Guilty-by jury	21	27
Not-guilty-by jury	2	5
Cases dismissed	31,994	5,695

OTHER ACTIVITY:

Parking misdemeanors filed	197,213
Parking misdemeanors disposed	109,201
County Court complaints accepted	0
Felony complaints accepted	0
Examining trials conducted	0
Inquests performed	0
Drivers license suspension	
Hearings held	1,626
Search warrants issued	564
Statutory warning administered	29,165
Number of cases appealed	14,919
Total revenue	\$9,284,793.00
Monthly reports received	12 month(s)

CASE STUDY NUMBER 7

CASE STUDY NUMBER 7

INTRODUCTION AND SUMMARY

The seventh case study focuses on a county-wide segment of a state court system which was recently and partially unified by a new judicial article. Seventy-two respondent interviews (participants, comparison group, and peer-supervisors) were completed among the judiciary, advocates, and court administrators. In addition to state courts of general and limited jurisdiction, the study site contained an intermediate state appellate court and a Federal trial court.

In the case study which follows, each component of the criminal justice system is analyzed in terms of:

- *The incidence of Courts Training Program (CTP) and other training participation by the members of the respective role groups;*
- *The amount of personal, organizational and systemic change perceived by respondents;*
- *The extent to which changes are attributed either totally or in part to specific CTP training; and*
- *The utilization of training by local court/criminal justice executives in their overall planning and programming.*

The major findings from Case Study Number 7 are the following:

- *Most, if not all, trial and appellate judges and public defenders from this site participated in CTP events; few prosecutors and no mid-level court administrators have participated in CTP.*
- *Respondents are keenly aware of multiple court system changes which have happened and are happening around them. Perceptions appear to be evenly divided between optimistic and pessimistic views.*
- *Numerous personal changes related to CTP training were cited by former participants — especially appellate judges, prosecutors and defenders — who had attended extended (one week or more) training. Only in the area of change in substantive knowledge, however, do participants perceive more change than their comparison counterparts.*
- *Several system changes — some potentially quantifiable in terms of efficiency — were attributed to CTP training. Among the changes, which were noted by 48 percent of the participants, are:*

- *Appellate settlement conferences which were promoted by AJC;*
- *CTP training materials and procedures from NITA and NCCDLPD which were recycled for use in within-office training programs; and*
- *Methods for accelerated docketing, learned at AJC and NJC.*

THE SETTING FOR THE CASE STUDY

This case study was conducted in a large metropolitan area in the midwest. The specific focus of the study was an urban-suburban-rural county-wide area of 603 square miles, with a population of 654,000. This metropolitan area experienced a period of escalating crime during 1974-1976. The number of serious crimes has subsided since 1976, including a 10 percent decline from 1976 to 1977, possibly the result of impact programs by police and prosecutors.

The *state court system* has been in the throes of change for many years. Mounting pressure from the state bar association, citizens' groups, and the press resulted in moving a somewhat reluctant state legislature to finally enact large-scale court reform legislation in 1978. This act followed a 1976 vote by the citizens of the state to amend sections of the constitution which set up the state's court system.

The new legislation replaces all former courts of limited jurisdiction with a single trial court. The circuit court, with original criminal and civil jurisdiction, absorbed the functions of magistrate, municipal, and other local courts. *Exhibit 1* displays the new configuration of the court system.

In the study site, the new legislation had the greatest impact on the former magistrate court judges, who used to function as independent entities under county supervision. Now, under state supervision and administration, their jurisdiction has been broadened to include general jurisdiction cases, civil and criminal, when certified by the presiding judge.

Although the municipal court was placed technically within the circuit court, its day-to-day operations are little affected by the new law. Formerly governed by city ordinance, the municipal court is now governed by a Supreme Court ruling which regulates procedures in municipal and traffic courts statewide. The municipal court in the study site still functions as a relatively independent entity, although the county has assumed the burden of salaries and administration.

Within the past decade both the circuit court and the municipal court have undergone significant changes. In the circuit court, the changes have been toward centralization, consolidation, systematic staff development, and gradual assumption of a number of responsibilities formerly performed by such agencies as the sheriff's department, constables, the welfare department, etc. Prosecutors were granted the authority to

make final decisions in plea bargaining arrangements, and the revised criminal code repealed archaic and complicated provisions of the state's criminal laws. On the municipal level, the court has initiated a number of changes designed to improve the responsiveness and efficiency of the system. It became one of the first courts in the country to completely computerize its record system. Scores of national and international visitors inspect its record-keeping and reporting system each year. The municipal judges have tended, almost as a group, to move away from the theory of punishment as a deterrent for nonviolent social crime involving alcohol, drugs, and vagrancy to the use of rehabilitation services referrals.

On the appellate court level, the intermediate appellate courts were given total jurisdiction, rather than the limited jurisdiction they had prior to the court reform legislation of 1972. Except for cases in which it has exclusive jurisdiction, the State Supreme Court took on a narrower focus — that of "construing" new aspects of the law, leaving to the intermediate courts of appeals the more routine function of "applying" the law as defined.

Federal trial and appellate courts are also located in this case study site. Recent changes in the Federal court system located here include the following:

- *The use of Federal magistrates, or "junior" judges, who hear cases of limited jurisdiction.*
- *The effect of the Speedy Trial Act which gives criminal cases top priority by requiring a maximum of 90 days to bring the accused to trial.*
- *The use of interrogatories (written questions to which defendants must respond) to reduce the number of trials.*
- *The use of a computerized research bank which reduces the time spent on legal literature searches.*
- *A cost-saving reduction of the traditional 12-person jury to a six-person jury.*
- *A statutory requirement that judges attend annual training conferences.*

Court administrators have prominent roles in both the state and Federal courts in this site. The administrator of the circuit court has seen momentous changes in his nine-year tenure in the position. He now supervises 235 employees and provides administrative support for a total of 300 employees. Since 1974, the following responsibilities have been assigned by statute to the court administrator:

- *The civil duties formerly performed by the sheriff.*
- *The process serving function formerly performed by elected constables.*
- *The duties of the clerk of the court.*

- *Collecting and disbursing \$4 million annually in IV-D Child and Wife Support Payments.*
- *Developing and maintaining a central filing and assignments system.*

Only probate, bailiff and court reporting staff do not fall under the direct supervision of the circuit court administrator.

On the municipal level, the administrator, a veteran of 27 years with the court, has seen computerization, management systems, and a new court facility change the nature of his job, more so than the new judicial article which made the municipal court a division of the circuit court.

Similarly, the Federal court administrator has seen upgrading in personnel and financial resources, heavy use of computerization and data considerations, caseload growth, and "a change in the philosophy" of handling criminal cases since the Speedy Trial Act.

The *County Prosecutor's Office* has a large staff consisting of seven administrative personnel, 34 assistant prosecutors (including six assigned to the wife and child support section), and ten investigators. The prosecutor's office has made considerable use of LEAA funding to mount projects to meet special needs. Among the components and activities resulting from these grants are:

- *A deferred prosecution program in which prosecution is stayed for a stipulated period of time pursuant to a pledge by the accused to refrain from violation of the law, to maintain contact with the prosecutor's office, and to go to work or school. Ninety-two percent have completed this program acceptably.*
- *A comprehensive career criminal unit which has reduced the number of active career criminals through careful case screening and vigorous prosecution.*
- *A law intern program which has provided the prosecutor's office with additional personnel, a training vehicle which also benefits its own staff, and a recruitment source for new prosecutors.*
- *A discovery rules project which promotes an early exchange of discovery with defense counsel in order to expedite case dispositions with or without trial.*
- *A IV-D Wife and Child Support unit which has generated nearly \$2 million annually in collections.*
- *A grand jury investigation service which did the groundwork leading to a record 98 percent indictments.*

The county *public defender* provides services to indigent defendants accused of crimes punishable by death or imprisonment. The legal aid office provides assistance

to those charged with lesser crimes and violations. The public defender has a staff of 12 assistants and two investigators. After experiencing a 90 percent staff turnover in 1976, the public defender's office has regained its stability. That stability was shaken by the 1974-76 outbreak of violent crimes during which period clients were less willing to take the advice of legal counsel.

THE RESPONDENT GROUP

Seventy percent of all former participants in LEAA-sponsored training were interviewed at this case study site. In addition, five third-party observers (peer-supervisors) were interviewed. A total of 72 interviews was completed by a three-member team. *Exhibit 2* displays the number of respondents by role group, type, and training institute.

Twenty-eight persons who had participated in CTP were not interviewed. Some were on vacation; some were attending training; others had schedule conflicts. Nearly all of them have been surveyed by mail.

The relatively high number of private attorneys in the CTP respondent group is related to the high incidence of former public defenders and legal aid lawyers now in private practice. Also, some private attorneys, paying for their own training, had attended one of the institutes (NITA) for professional development purposes.

COURT-RELATED TRAINING PROGRAMS

Within the population of potential participants in the geographical area covered by this case study, the highest incidence of extended CTP participation (training programs of a week or more) is among appellate judges and defense attorneys. While their numbers are smaller, high percentages of court administrators and prosecutors have also attended extended training programs. On the average, appellate judges, defenders and administrators have attended CTP training most recently.

In addition to attendance at out-of-state training programs, trial judges, prosecutors and defense attorneys avail themselves of annual and ad hoc training opportunities within the state. For example, the state bar association sponsors an annual "Bench and Bar" conference at which judges and lawyers listen to presentations and engage in discussions regarding points of law and judicial procedure. Prosecutors and defense lawyers have annual retreat-type conferences designed to meet the current needs of the respective groups. Each summer the state court administrator coordinates a state judicial college, a three-day session, which covers some of the main topics covered in national training seminars as well as state-specific issues.

PERCEIVED CHANGES IN THE SYSTEM

The system change most obvious to all respondents was the new judicial article, effective January 2, 1979, which broadened the responsibility of the intermediate appellate court, upgraded the magistrate judges to associate circuit judges, and furthered the unification of the state court system by vesting authority in the Supreme Court Chief Justice and by creating one trial court out of numerous general and limited jurisdiction courts. Also high on the list of changes mentioned were:

- *The new state criminal code which compressed the range of variation of punishments.*
- *The heavier prosecution orientation of the courts.*
- *The higher incidence of domestic problems/cases.*
- *The overall increasing workload.*

Exhibit 3 summarizes the system changes cited by judges, administrators, and defense and prosecuting attorneys. On balance, perceptions which connote optimism with the courts are as frequent as those which convey pessimism.

PERSONAL CHANGES

Prior to any discussion of training, each respondent was asked to assess any changes in his or her substantive knowledge, procedures, skills, priorities and use of resources over the past five years. *Exhibit 4* displays participant and comparison group perceptions of personal changes. While few trends are obvious from such a limited sample, some points are worthy of noting:

- *Participants and comparison group members perceive personal changes almost equally except in the area of knowledge, where 76 percent of participants versus 57 percent of comparison respondents see significant personal changes.*
- *Appellate judges, all of whom participated in CTP (see footnote, Exhibit 4) and defenders have the strongest sense of personal changes.*
- *In terms of perceived personal influence on the court system, the strongest groups are the appellate judges, municipal judges, and private attorneys.*

Of all changes cited, a few were ascribed — unprompted — to CTP. One appellate judge attributed change in procedures to IJA; three trial court judges attributed changes to attendance at NJC; one prosecutor attributed numerous changes to NITA; and several trial attorneys indicated that NITA and NCCDLPD were responsible for changes in procedures and skills.

When asked explicitly what influence training has had in their professional lives, the responses given by each role group are cited in *Exhibit 5*. Several observations may be made regarding these response patterns, even though the numbers of responses are limited:

- *Ninety-three percent of all participants have recommended the institute they attended to others. Of the respective role groups, the appellate judges had the lowest recommendation rate.*
- *Only 48 percent of all participants claim to have made organizational changes as a result of participation in CTP. However, all prosecutors and 60 percent of the circuit judges claim organizational changes resulted from training.*
- *Personal changes appear strong among all role groups, especially defenders and prosecutors.*
- *All role groups, with the apparent exception of appellate judges, tend to share materials received at the respective institutes.*

The overall impression gained from the responses to training impact questions is obviously positive at this case study site.

IMPACT OF COURT TRAINING PROGRAMS UPON ROLE GROUPS

A review of role group responses to study questions and of the third-party observations obtained during data collection has produced the following profile of the influence of CTP training upon each role group. Also noted is the relationship between the functioning of the role groups and the national training institutes.

Trial Judges

Except for the newly-elected associate circuit judges, almost all circuit judges have attended NJC and/or AAJE. It is an acknowledged but unwritten rule at this site that all trial court judges will attend the National Judicial College within their first year on the court. LEAA and county funds are used to send new judges — and some veteran judges — to out-of-state training.

Some of the personal and system changes ascribed to NJC by trial judges include:

- *"Obtained a picture of what a mature judge is . . . courtroom conduct and demeanor."*
- *"Obtain perspective in looking at evidence files in court . . . also hear-say evidence."*

- *"Learned how to instruct defendants . . . statement of rights. Developed pamphlet for defendants."*
- *"Arraignment orders to control dockets . . . docketing and assignment procedures."*
- *"I read more; I've learned to discipline myself."*

The one judge who attended AAJE found that he got as much, or more from "shootin' the breeze with other judges as from the more formal discussions." One associate judge, a former magistrate, had attended both NJC and AAJE regularly and found both institutes stimulating and complementary. A relatively new circuit judge who had been an assistant county prosecutor for more than 20 years observed after returning from NJC that, "So many of the things we do in this court I now know have been instituted by judges who had been to Reno in the past." Thus, in this jurisdiction, much of the established NJC curriculum appears to have become institutionalized.

Court of Appeals Judges

Six of the appellate judges attended AJC; two attended IJA; and one each attended AAJE and NJC. All Court of Appeals judges located at this site had attended court training programs sponsored by LEAA. A number of the judges acknowledged that one of their most significant system changes — settlement conferences — was directly related to the training experience some judges had at AJC. The settlement conferences, conducted prior to and often in lieu of formal arguments, were seen as a major factor in reducing backlog and allowing judges to focus more intently on more difficult cases. Other AJC-inspired outcomes cited were: court management and accelerated docketing, clarification of Supreme Court impact decisions, strengthened opinion writing, and utilization of research staff. One judge, a veteran of some years, said, "After the lecture by that Stanford professor, I finally understood due process." Another judge felt that the AJC conference gave him a "predisposition toward action — a general conceptual framework." The one judge who had attended AAJE felt that the course had improved his management of search and seizure cases.

Prosecutors

Considering the size of the county prosecutor's staff, the number having attended CTP (three) represents only 9 percent of the assistant prosecuting attorneys. However, the three staff who have attended are in key leadership positions within the office, and two of the three attended extended training sessions at NITA. All three were readily able to identify personal and organizational effects of their training. For example, two cited case preparation and trial tactics training as making them more effective prosecutors. Another felt that in-state seminars and self-improvement efforts would not have been effective in counteracting his weaknesses. NITA, he said, was able to do it. The two who attended NITA recommended purchasing a set of Irving Younger tapes on evidence, which the office now uses for training new prosecutors.

The County Prosecutor, an elected official, cited the pressure of heavy caseloads and the limited funds available as reasons for not making greater use of NCDA or

NITA. While he felt the investment in CTP was worthwhile in terms of increased confidence and skills, he regretted that he could not afford to send more staff because of time and funding constraints.

The prosecutors are aware that their effective prosecution rate (67 percent) is comfortably above the national average. Having an elected chief prosecutor, the staff is keenly sensitive to the need to have a "tough on crime" image. While the abilities of individual prosecutors vary, one senior staff member felt that the prosecutors are able to exert a good deal of control or influence with respect to the procedural aspects of criminal adjudication.

Public Defenders

The Public Defender at this site earmarks money in his annual budget for out-of-state CTP training. At least two, and as many as six, staff members are able to attend CTP training each year. More than half of the staff have attended either NCCDLPD or NITA, most of them for extended training. The Public Defender, himself an NCCDLPD participant, has no doubts that his staff benefitted greatly from their CTP experience. He cited the following performance indicators:

- *Training changes their attitude about cases. They come back enthused about trying out things they have learned in Houston.*
- *They have more self-confidence.*
- *With regard to trial skills, the training improves their opening statements and closing arguments.*
- *They have a better knowledge of scientific evidence . . . how to admit or exclude it in a specific case.*

He recommended another LEAA-sponsored course in Defender Management (not a CTP course) as a model of good training in every respect and superior to what he had experienced at NCCDLPD. The assistant public defenders listed a number of personal changes and a few organization influences that resulted from CTP. Areas cited most often dealt with jury selection techniques, cross examination, structuring a case, preparation of defense witnesses, and jury instruction. One defender said that since attending training he has been complimented by judges for his presentation of the "theory of the case" in his jury instructions. One six-year veteran has attended NCCDLPD four times. He said, "The college excites me. As a public defender you get burned out. The college really gets you moving again. You get over your frustration and feel good getting back in the courtroom again. It's a psych-builder." Another defender was new and hesitant about trying cases. He confessed to leaning toward alternatives to going to trial. After attending NCCDLPD, he won four out of five cases in quick succession.

Administration

Three court administrators at this site have attended CTP. The circuit court administrator and the Federal court clerk are ICM Fellows. Both attended during the

early years of the program. The municipal court administrator attended a two-week course at NJC. Each of these administrators occupies a significant position within his respective court. One administrator decried the fact that judges find no problem with the chief court administrator attending training but see no need for other administrative staff to attend training. He characterized the former court system as a "Mom and Pop" operation . . . informal, good communication, etc. Today, however, it is a "big business" with a \$4 million budget and 300 employees. The caseloads have grown, and the work per case has increased. Consequently, there is great need for systems and for well-trained personnel to operate and manage the systems (personnel, court management, data, etc.).

No specific personal or organizational changes were attributed to attendance at CTP. The two ICM Fellows felt they had been influenced, but in subtle, less-than-tangible ways. The one attendee at NJC found that his on-the-job experience had put him on top of the state-of-the-art already and consequently had not gained new skills or insights.

Private Attorneys

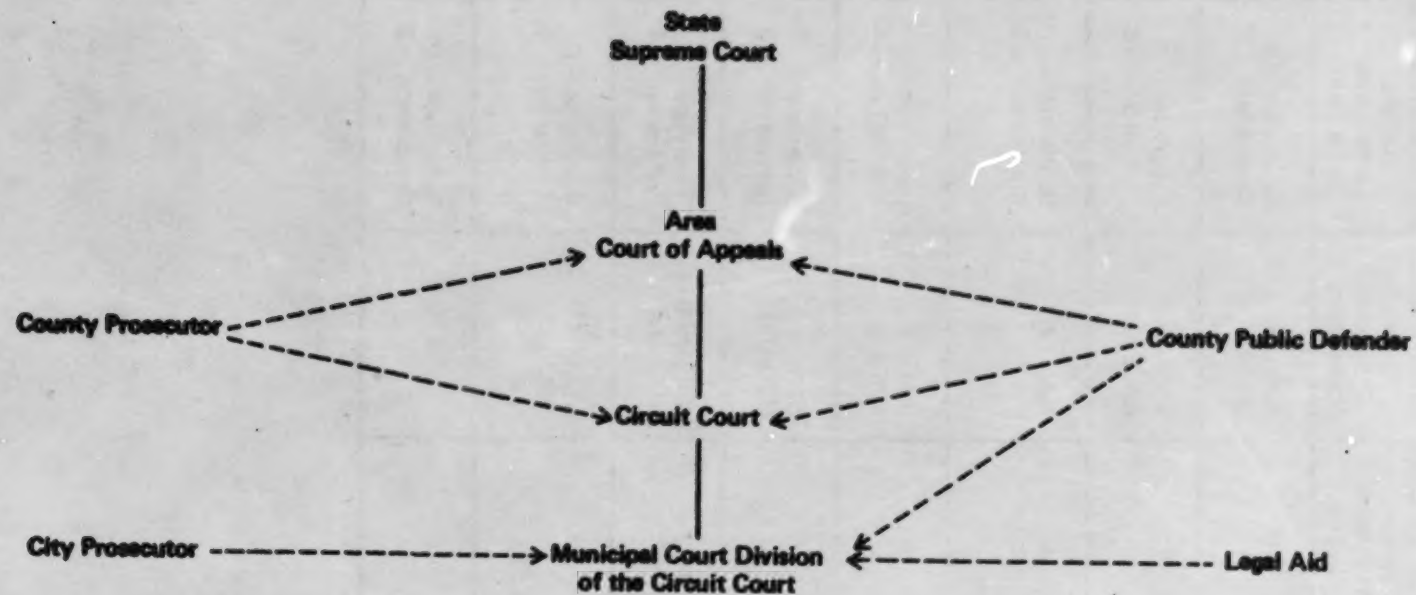
The relatively high number of private attorneys in this site sample is comprised of seven former public defenders, two private attorneys who elected NITA for professional development, and a retired judge who attended NJC. Benefits associated with attendance at NCCDLDP by this group are the use of scientific evidence and cross examining certain kinds of experts. A NITA graduate found that shortly after his return, other defense attorneys were assigned to watch him try cases. One NCCDLDP participant claims that he has pushed for more voir dire (jury interview and selection) in the court system and has gotten it. Another NCCDLDP participant said that he came back knowing how to train defenders and has used NCCDLDP materials and techniques for within-office training.

Third-Party Observations

Of the third-party observations made regarding the influence of CTP training, perhaps the comments of the state court administrator are the most comprehensive and insightful. "That large-scale changes could have happened without major resistance, my political bones tell me that the training program had an effect. In addition, I see several other effects of this LEAA-training.

- *"This state is known for its parochialism, and the out-of-state training must be partly responsible for the breakdown of parochialism I have witnessed.*
- *"Our people seem to know more and more about what's happening in courts in other parts of the country.*
- *"From the comments I hear from judges, the out-of-state training with their peers helps break down the feeling of being alone, a feeling which breeds neurosis. If we have fewer neurotic judges, society will be better off."*

NEW CONFIGURATION OF STATE COURT SYSTEM



INCIDENCE OF TRAINING IN EIGHT INSTITUTES

Role Group	Total Number At Site	Number Interviewed On Site	Number of Training Participants	Others Interviewed On Site	Mail Questionnaire Distributed
Appellate Judges	10	10	AJC - 5 IJA - 2	Supervisor - 0 Comparison - 3	AJC - 1
Circuit Judges	26	17	NJC - 9 AAJE - 1	Supervisor - 1 Comparison - 6	NJC - 11 AAJE - 1
Municipal Court Judges	9	8	NJC - 4	Supervisor - 1 Comparison - 3	
Court Administrators	5	5	ICM - 2 NJC - 1	Supervisor - 1 Comparison - 1	
Prosecutors	33	7	NITA - 2 NCDA - 1	Supervisor - 1 Comparison - 3	NCDA - 1 NCCDLPD - 1
Defenders	12	12	NCCDLPD - 6 NITA - 1	Supervisor - 1 Comparison - 4	NCCDLPD - 3
Private Attorneys	NA	11	NCCDLPD - 6 NITA - 3 NJC - 1	Supervisor - 0 Comparison - 1	NCCDLPD - 6 NITA - 3 NCDA - 1
Others	Federal Judges - 2	2	0	Supervisor - 0 Comparison - 2	

SYSTEM CHANGES AS SEEN BY RESPECTIVE ROLE GROUPS

Exhibit 3

PROSECUTORS

- Total system change
- New criminal code
- Each criminal court has its own docket; formerly centrally assigned cases
- New state statutes re: instructions are defense oriented; gives prosecutors a heavier burden

DEFENDERS

- When some judges do preliminary hearings you have more people in jail/higher bonds
- New criminal code
- Speedy Trial Act is a sledge hammer to beat defendant to inadequately prepare for trial
- Less spread on the range of punishments
- Better rapport/cooperation between defense and judges
- More efficient use of manpower through new scheduling procedures
- Clients less inclined to take defense attorney's advice

PRIVATE ATTORNEYS

- Questionable quality of the new associate circuit judges
- Courts are more prosecution oriented
- Witness notification procedures and court organization
- Judges are getting tougher on criminals
- Quality of judges is better
- Each judge is now responsible for his own docket—better
- Civil cases are now slower getting to trial; more emphasis on criminal
- Appeals take a long time
- Judges are more pompous

JUDGES

- | | | |
|---|---|---|
| <ul style="list-style-type: none"> • Administration of courts is more precise; efficient • Increased jurisdiction for appellate courts • New criminal code • New associate circuit judges • More diversionary programs • Individual court rooms for municipal judges • Indigent defense now provided in municipal court • More white collar crime • Criminal cases move faster (was 18 now 2 months) | <ul style="list-style-type: none"> • Jurors are more inclined to protect the individual juvenile • More criminal and domestic problems • Prosecutors are filing a lot of "junk;" should get rid of more cases • Prosecutors in municipal court are more knowledgeable • More motions, paper work | <ul style="list-style-type: none"> • Attitude changes; no more partisan politician judges • Increase in "pro se" motions • Pressure from Federal courts to loosen the appeals process • Right to appeal for ineffective counsel at the appellate level • Workload has increased 4-5 times since 1972 decisions |
|---|---|---|

ADMINISTRATORS

- New court building has improved everybody's behavior
- On the Federal level: upgraded personnel and resources, computerization
- Speedy Trial Act made the Federal court change its philosophy regarding handling of criminal cases

PERSONAL CHANGES

Role Group	<u>N</u>		<u>Knowledge</u>				<u>Procedures</u>				<u>Skills</u>				<u>Resources</u>				<u>Priorities</u>				<u>Influence on Court</u>			
			<u>Partic</u>		<u>Comp</u>		<u>Partic</u>		<u>Comp</u>		<u>Partic</u>		<u>Comp</u>		<u>Partic</u>		<u>Comp</u>		<u>Partic</u>		<u>Comp</u>		<u>Partic</u>		<u>Comp</u>	
	<u>P</u>	<u>C</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
Appellate Judges*	7 / 3		5 / 2		3 / 0		5 / 2		3 / 0		4 / 3		3 / 0		5 / 2		3 / 0		2 / 3		3 / 0		6 / 0		3 / 0	
Circuit Court Judges	10 / 6		5 / 4		4 / 2		3 / 5		3 / 4		5 / 4		3 / 3		2 / 7		2 / 4		3 / 7		0 / 5		6 / 3		2 / 2	
Municipal Court Judges	4 / 3		3 / 1		2 / 1		3 / 1		3 / 0		3 / 1		3 / 0		2 / 2		3 / 0		3 / 1		1 / 2		3 / 0		3 / 1	
Prosecutors	6 / 3		3 / 0		1 / 2		2 / 0		3 / 0		4 / 0		3 / 0		3 / 0		0 / 3		2 / 1		2 / 1		2 / 1		0 / 2	
Defense Attorneys	7 / 4		6 / 1		2 / 2		5 / 2		3 / 1		6 / 1		4 / 0		6 / 1		4 / 0		5 / 2		4 / 0		1 / 5		4 / 2	
Administrators/Clerks	3 / 1		3 / 0		0 / 1		2 / 1		1 / 0		1 / 2		1 / 0		2 / 1		0 / 1		1 / 2		0 / 1		2 / 1			
Private Attorneys	10 / 1		7 / 2		0 / 1		7 / 2		1 / 0		6 / 3		0 / 1		6 / 3		0 / 1		5 / 4		0 / 1		7 / 0		1 / 0	
Federal Judges	0 / 2		—		1 / 1		—		2 / 0		—		2 / 0		—		2 / 0		—		0 / 2		—		1 / 1	
	47 / 21		32 / 10		13 / 10		27 / 13		19 / 5		29 / 14		19 / 4		26 / 16		14 / 9		21 / 20		10 / 10		27 / 10		14 / 8	

*All 3 of the "comparison" appellate judges have attended CTP prior to 1970, and thus are, in fact, participants.

**RESPONSES TO QUESTIONS
ON INFLUENCE OF TRAINING**

<u>Role Group</u>	<u>N</u>	<u>Wish to Return</u>	<u>Personal Change</u>	<u>Organizational Change</u>	<u>Share Materials</u>	<u>Recommend Institute</u>
Appellate Judges	7	5 (71%)	6 (86%)	3 (43%)	3 (43%)	5 (71%)
Circuit Judges	10	10 (100%)	8 (80%)	6 (60%)	9 (90%)	10 (100%)
Municipal Judges	4	4 (100%)	3 (75%)	1 (25%)	4 (100%)	4 (100%)
Defense Attorneys	7	6 (86%)	7 (100%)	3 (43%)	7 (100%)	7 (100%)
Prosecutors	3	3 (100%)	3 (100%)	3 (100%)	3 (100%)	3 (100%)
Court Administrators	2	2 (100%)	—	1 (50%)	2 (100%)	2 (100%)
Court Clerk	1	1 (100%)	—	—	1 (100%)	1 (100%)
Private Attorney	10	6 (60%)	8 (80%)	4 (40%)	7 (70%)	9 (90%)
	—	—	—	—	—	—
	44	37 (84%)	35 (80%)	21 (48%)	36 (82%)	41 (93%)

CASE STUDY NUMBER 8

CASE STUDY NUMBER 8

INTRODUCTION AND SUMMARY

The site of this case study is the capital of a large rural state. The jurisdiction itself is characterized by a political and social conservatism.

Two major structural changes have recently occurred: the creation of circuit courts and a state court administrator's office. The majority of interviewees associate a range of systemic changes with the circuit court legislation.

Training for courts personnel is strongly supported and in some cases mandated. Nearly all of the judges, prosecutors and public defenders in the jurisdiction attend in-state continuing education events on a regular basis. Along with the court administrators, 80 percent of the combined population of these role groups have attended CTP training since 1970 at every institute except the Institute of Judicial Administration (IJA). There appears to be much less training opportunity—both locally and out-of-state—for court clerks.

Seventy-one percent of the CTP participants interviewed have experienced significant job-related personal changes in the past five years. Twelve percent of these changes were attributed directly to attendance at a CTP institute.

SETTING OF THE STUDY

Case study site number 8 is the largest population center in an otherwise sparsely populated state. The state's major industries are agriculture, mining and manufacturing. The county itself, which includes the state capital, has a large private business sector, several colleges and universities, and manufacturing activities in its environs.

Several characteristics of the jurisdiction are noteworthy in that they provide significant contextual implications for the discussion of courts training. These include:

- *A prevailing conservatism which is expressed in a strong law and order, prosecutorial orientation. This orientation is compounded by the fact that the court system is predominantly white-Anglo Saxon-Protestant and unreflective of the jurisdiction's expanding minority population. As one attorney observed, "Those charged with protecting justice here have little familiarity with minority group experiences or languages. How are we to work with minorities when, literally, we often do not even understand what they are saying?"*
- *A strong respect for learning and education. This orientation is directly manifest in the support that courts personnel receive for attending training and continuing education activities.*

- *A recent history of structural changes that have had broad impact on the organization and administration of the courts. These changes include the creation of a legislatively mandated state court administrator's office and the passing of an act establishing circuit courts of limited jurisdiction in place of existing municipal courts.*

Organizationally, the court system is composed of a court of last resort (Supreme Court), a court of general trial and intermediate appellate jurisdiction (District Court), and three courts of limited jurisdiction (Circuit, Juvenile and Justice of the Peace Courts). The Supreme Court, District Court and justices' courts are mandated by the state constitution; the circuit and juvenile courts were created by legislative act. Rule-making authority belongs to the Supreme Court, while administrative policy-making authority is granted to a judicial council which consists of representatives from each trial court and the Supreme Court, ancillary representation from the juvenile courts, and non-voting member of the state bar.

METHOD OF STUDY AND DESCRIPTION OF RESPONDENT GROUP

Data collection for this site was performed by a three-person team working in the capital and surrounding communities over a five-day period. During this time, 81 courts personnel were interviewed, including:

- *Fifty-six* participants in the LEAA-funded Courts Training Program. This represents approximately 60 percent of the total group of 96 participants identified on the initial list supplied by the training institutes. The remaining 40 participants who were unavailable at the time of the site visit were mailed survey instruments.*
- *Nineteen comparison group respondents (i.e., those court personnel who have not participated in CTP).*
- *Six third-party observers or peer-supervisors who either work within or do work closely related to the court system.*

Exhibit 1 displays the number of respondents by role group, type, and training institute.

*One trial judge was interviewed about her experiences at both NJC and AAJE. Thus, there were 57 training assessment interviews conducted within the 56-person participant group.

FINDINGS

In the following analysis, each component of the criminal justice system represented in this site's participant sample is discussed in terms of:

- *The amount of systemic change perceived by respondents and the degree to which respondents feel they have personally influenced the system.*
- *The incidence of personal change perceived by respondents and the extent to which these changes are attributed to CTP training.*
- *The penetration of CTP training within the jurisdiction.*

Each set of findings is examined in the jurisdictional aggregate or total and by role groups. It is important to note three caveats that circumscribe these findings. First, the data are based principally upon respondents' subjective perceptions of change, impact and causality rather than on court records. Second, these perceptions as well as the assessments of training are retrospective and thus carry the inevitable risk of time-influenced inaccuracies in recall. Third, interviewing variables introduced by systemic change and non-CTP training may confound perceptions and attributions of personal change. In addition, jurisdictional or cross-role group graphics are intended to show trends within a community of courts personnel and should not be construed as comparative evaluation.

PERCEIVED CHANGES IN THE SYSTEM AND DEGREE OF PERSONAL INFLUENCE

In order to establish a context for examining specific instances of personal change, interviewees were first asked whether or not significant systemic change has occurred in the jurisdiction over the past five years. Eighty-six percent of the CTP participant group identified such changes, with appellate judges, prosecutors, court administrators, clerks and investigators doing so unanimously, and trial judges, defenders and private attorneys doing so in the vast majority.

While increases in the workload, greater availability of resources, more emphasis on training, and changes in both procedure and the law were each mentioned repeatedly, the change most often characterized as significant was the recent circuit court legislation, which was identified by 54 percent of the respondents. For the most part, this change is viewed positively and is associated with "big stride," "tremendous upgrading," "the injection of new and extremely conscientious judges," more "accountability," "professionalism," and a "significant increase in the quality of justice." Seventeen percent of those acknowledging the structural effect of the legislation, however, question its real influence as a vehicle for constructive change, terming it, in two instances as a change on paper which "makes no difference in a prosecution-oriented system."

The generally positive view of systemic change was amplified when respondents were asked if they thought that they had personally influenced the system. Of the 75 participant and comparison interviewees, 81 percent claimed they had influenced things by either increasing the quality of justice, increasing efficiency, or both. Of the remaining 17 respondents, 14 said that they had had no influence and three did not know. (These 17 include five defenders, four prosecutors, four trial judges, three private attorneys, and one pre-trial staff member.)

PERCEIVED PERSONAL CHANGES AND ATTRIBUTIONS

Prior to any discussion of training, each CTP participant was asked to name and then identify the causes of any significant changes in his or her substantive knowledge of the law and/or the courts, procedures, skills, use of resources, and priorities over the past five years. *Exhibit 2* summarizes the responses by frequencies and percentages in order to note both exceptions and the extent of majority viewpoints.

JURISDICTIONAL DATA ON CHANGES AND ATTRIBUTIONS

Seventy-one percent of CTP participants identified significant personal changes in all areas. However, a jurisdictional average of only 12 percent attributed aggregate change to CTP training. By far the most frequently cited attributions across all change categories were "experience on the job" and "necessity." For the most part, changes were seen as developmental, although isolated respondents—particularly among lawyer judges and other attorneys—believed that: (1) their knowledge of the law had decreased since law school; (2) the priorities they hold had suffered qualitatively through cynicism and frustration; (3) they ended up doing things by themselves even when resources were available; and (4) broad practitioner skills in some ways had suffered due to over-specialization.

The greatest amount of perceived change—86 percent—across all areas was in personal skills. Similarly, CTP training was cited 21 percent of the time as the primary causal factor for skill changes. Conversely, changes in priorities were least identified overall (57 percent), and resource utilization was the type of change least often attributed to training (6 percent).

As mentioned above, these attributions were solicited at the outset of each interview and not in response to specific questions about training. There was a marked difference in attributions, however, when respondents were later asked explicitly about personal changes they have attempted to make as a result of CTP training. In sum, 82 percent claimed to have attempted to make institute-spurred personal changes (greater than 67 percent in each role group).

It is interesting to compare this figure to the 12 percent attribution rate obtained when training was not directly mentioned in connection with personal change. However, two cautionary remarks are necessary. The first is that the 82 percent figure represents an obvious priming of the respondent. The second is that the respondent was initially asked to identify significant changes that had already occurred, and in the second instance was asked about *attempted* changes, whether significant or not.

ROLE GROUP DATA ON CHANGES AND ATTRIBUTIONS

Appellate Judges

As depicted in Exhibit 2, the three appellate judges were unanimous in claiming significant changes in the procedures they use. Two of the three identified changes in knowledge, skills, and resources, and one thought that his priorities had slipped in the past five years. The perceived changes in substantive knowledge were in the area of constitutional law. Changes in procedures included general streamlining, indexing, and writing fewer drafts of opinions due to the caseload (a procedural change which was termed negative). Writing and a generalized awareness of the law were cited as improvements in personal skills, and a greater utilization of personnel and facilities in order to deal with the burgeoning caseload accounted for changes in the resource area. The cited change in prioritization was also tied to caseload, with the respondent judge stating that, "we don't want to treat unequal things equally."

None of the ten instances of identified change was attributed to AJC, the institute attended by all three respondents. However, each judge claimed that he had attempted to make both personal and organizational changes as a result of AJC courses, primarily with respect to utilizing new approaches, such as settlement conferences and facilitating considerations for an intermediate court of appeals.

Trial Judges

Of all role groups, the trial judges accounted for the highest frequency of perceived change and the greatest number of training attributions. These data are qualified by the fact that 16 attributions made by trial judges came from only five of 14 respondents—three justices of the peace and two circuit court judges. No training attributions were made by general jurisdiction judges.

Of the 16 attributions, 12 specified NJC; the other four came from the single AAJE participant, primarily in the area of personal skills, where training was cited as causal 50 percent of the time. The higher frequencies for trial judges may be due to the relatively high number of average years (eight) they have in their current roles—a longer period in which to experience change—as well as to the number of respondents in the trial judge role group. When asked specifically about institute-spurred changes, 80 percent of the judges claimed to have attempted and accomplished changes in substantive,

technical (e.g., handling contempt, jury instructions), procedural (e.g., designing administrative forms), and attitudinal (e.g., more patience, less arrogance) areas.

A minimum of 64 percent of all trial judges identified changes across all areas. The greatest number of changes was in substantive knowledge, where 86 percent claimed significant increases in such topics as evidence; search and seizure; probate code; criminal, commercial and constitutional law; and sentencing. Procedural changes were most often identified in the context of large backlogs and the necessity for improving efficiency to save time through calendaring and the use of pre-trial conferences. In the area of personal skills, where the largest block of training attributions occurred, key changes were: more confidence and comfort with the role, greater awareness of public sentiment, better ability to impose sentences, and more adeptness at managing time. Changes in the utilization of resources included a greater use of automated systems, social agencies, researchers, and law libraries. Finally, priority shifts were seen in eliminating the adversarial process from aspects of domestic relations; more deliberateness and conscientiousness in disposing of cases; more efforts at alternative sentencing; more concern for individual rights; and better trial preparation.

Prosecutors

Prosecutors in the jurisdiction were consistently high in identified changes, with the greatest incidence (85 percent) occurring in the areas of knowledge and skills. Cited changes in knowledge included criminal law and procedure, information systems, ethics, and federal law, while skill increases were in communication, trial tactics, time management, case analysis, mediation ability, and general confidence. Changes—both increases and decreases—were noted by nine or 69 percent of the respondents in relation to procedures (e.g., use of regular meetings, trial practices, screening, use of restraining orders and injunctions); use of resources (e.g., computers, work processors, crime laboratories, research assistants); and priorities (e.g., attention to more important cases, effects of decisions, police relations, post-adjudication, and the persistent offender).

An additional group of identified changes emerging from the prosecutor interviews might best be termed "attitudinal." Several respondents thought they had become "more callous," "more pessimistic," "less tolerant of sad stories," or "more secretive in relation to sharing information with federal agencies."

In contrast to the large number of identified changes, prosecutors saw training as pivotal in only two instances: one, an increase in knowledge, was attributed to NJC; the other, a shift in priorities, was cited as a consequence of attending NCDA. When asked explicitly if training had influenced them to attempt changes, however, approximately 80 percent answered yes, citing such areas as fingerprinting, search and seizure, cross-examination, working with witnesses, and handling juries.

Public Defenders

The ten defenders interviewed unanimously identified changes in personal skills and were one short of unanimous in citing increases in substantive knowledge. Knowledge changes included death penalty defense, criminal law, search and seizure, and "court system manipulation." Areas in which changes in skills were noticed included utilization of the law, confidence in front of a jury, preparation and general trial practice.

Seventy percent of the defenders mentioned changes in such procedures as less emotional argumentation, more contact time with clients, indexing, and general streamlining and refinement. Fifty percent cited use of social service agencies, criminal law publications, and other attorneys as significant changes in their utilization of resources. Only 30 percent thought their priorities (e.g., keeping client out of jail versus winning, increased commitment to criminal law, learning judges' personalities and how to use the system) had changed.

The defenders, like the prosecutors, had a low incidence of training attribution. Two instances of skill change—trial techniques and trial preparation—were associated with NCCDLPD. A similarly low attribution occurred when respondents were asked specifically about institute-spurred changes: one defender, who had attended NCDA when he was a prosecutor, thought that a trial tactics course had given him the impetus to set up in-house training; a second defender credited NCCDLPD with his attempts to establish an appellate division. In contrast, approximately 70 percent of the respondents, when asked about personal changes, directly tied such changes as improved trial skills and more positive attitudes toward defendants to their experiences at NCCDLPD.

Court Administrators

The five court administrators were unanimous in identifying procedural changes (e.g., calendaring of cases, computerization, micrographics, semi-monthly discussion of problems) and improvements in personal skills (e.g., seeing the big picture, handling people, drafting legislation, managing a trial court). However, only two of the changes in these areas were attributed to training, one each to ICM (personal skills) and NJC (procedures).

Four of the five respondents cited changes in their use of resources, especially colleagues, pre-trial social agencies, and ombudsmen. Three mentioned shifts in priorities—"keeping the judges working," less planning of new projects, and generating a more complex model of court organization. Two thought that their substantive knowledge had increased regarding administration and systems. None of these changes in resources, priorities or knowledge was attributed to training. However, one respondent believed that NJC has influenced the way he handles personnel as well as his development of a procedures manual to coordinate eight justices of the peace; three others cited ICM as being primarily responsible for helping them with systems, personnel and time management, and case flow control.

Private Attorneys

Five of the six attorneys interviewed claimed improvements in personal skills, including general trial work, confidence and strategizing. Four of the six cited such shifts in priorities as witness preparation, court appearance, oral arguments (versus written materials), smaller caseload, and white collar fraud. Three each described changes in procedures (e.g., trial preparation and outside reading), use of resources (e.g., libraries, professional assistants, and secretarial staff), and knowledge (e.g., case preparation, nuts and bolts of trial practice, and system understanding).

Two attributions were made to training at NCDA. Both of these were by the same attorney, an ex-prosecutor who claimed that NCDA had caused him to improve his preparatory work and his opening and closing statements. When specifically asked about training's influence, this same attorney said it had enhanced his skills in case presentation and preparation. A second NCDA attendee said that training had improved his investigative technique and helped him make useful contacts. Of the two attorneys who attended NCCDLDP, one claimed no influence. The other said that NCCDLDP had prompted him to improve his appearance in front of juries and to critique younger attorneys. Finally, the two NITA participants claimed that training had a positive influence on their trial techniques, but neither claimed any NITA-spurred attempts at organizational change.

Investigators

Four investigators who had participated in CTP were interviewed, all of whom had attended NCDA. The investigators were unanimous in identifying changes in knowledge, especially criminal code procedures, investigations of government corruption and shootings, and organized crime, and changes in skills, such as analysis, preparation of testimony, and investigative ability. Three of the four described changes in procedures, primarily in investigative management and technology; two believed they used resources differently (e.g., development of a resource file, calling upon expert help, utilizing the law library); and only one cited shifts in priorities—in this case, concentrating only on major felonies or government corruption.

None of the above 14 instances of change was attributed to training. However, all reported attempts to make changes as a result of attending NCDA, including getting investigators certified in advanced areas, improving techniques and knowledge in general, and making people aware of organized crime.

DESCRIPTION OF TRAINING

Incidence and Penetration

As mentioned at the outset of this report, a typically high value is placed on education within this geographical area. Consequently, training is strongly encouraged and supported within the jurisdiction. This support is manifest by (1) the opportunities that most courts personnel have for attending in-state continuing education events, and (2) the relatively high incidence of attendance at one or another of the national institutes.

For example, there is an annual judicial conference for all judges in the state. The purpose of this conference is to facilitate the exchange of ideas among all courts and judges and to study and improve the administration of the courts. All justices of the peace are required to attend one of the two annual institutes supervised by the Supreme Court and organized by the Judicial Council. The Council is responsible as well for organizing a continuing judicial education program for district and circuit courts.

Assessments by third-party observers, while in no way conclusive, do indicate that the in-state training is well received. In fact, judges' demand for training has outstripped the available funds.

There is a high rate of attendance by judges at out-of-state training events as well, particularly at the CTP institutes. Of the five active and two recently retired Supreme Court judges, four have attended AJC within the last five years, and one participated in an IJA seminar in the 1960s. Trial judges have a similarly high rate of attendance, primarily at NJC and secondarily at AAJE. Twenty-four of the jurisdiction's 33 trial judges, or 73 percent, have attended CTP institutes.

The emphasis on continuing education is reconfirmed by the amount of training undergone by prosecutors and defenders. One hundred percent of the prosecutors, for whom two statewide seminars and several regional workshops are available each year, have attended local training. One third-party observer reports that in-state prosecutors training has been effective in promoting communication among peers and improving management and procedures, and he hopes that LEAA funding in this area will be continued. He also gives high marks to both NCDA and NDAA, but questions whether public funds should be made available for out-of-state training, however excellent. In any case, 83 percent of the jurisdiction's 18 county prosecutors and six criminal division attorneys general have attended NCDA to date, as have 55 percent of the prosecutorial investigators, who also have a high attendance rate at in-state and NDAA events.

All of the public defenders have attended training of some sort. At the time of the site visit, 83 percent had attended NCCDLPD, with one more scheduled to attend within the month. Other programs attended include those sponsored by the state bar and private organizations such as the Hastings Law School, Practising Law Institute, and NLADA.

A staff supervisor within the defenders office—who had not attended NCCDLPD—thought that training in general produced significant results with regard to knowledge, attitudes, procedures and skills. He observed that NCCDLPD training was very good on the whole, although the selection of seminars is limited both in subject matter and in the range of dates offered. For defenders' training in general, he remarked that curricula need to be particularized and technical rather than social, psychological or philosophical.

The state court administrator is responsible for formulating programs for in-service training of courts personnel, and his staff is involved in those programs. Six of the court administrators in this jurisdiction have attended CTP institutes, primarily ICM and secondarily NJC.

Aside from in-service training for individuals and CTP, administrators have attended sessions of the Conference of State Court Administrators (jury management, court information systems); the University of Chicago (court information systems), the Institute for Effective Management, and various LEAA-sponsored sessions in jury management, case handling, community corrections, Management by Objectives, management analysis, and evaluation.

The chief administrator, who has attended sessions at both ICM and NJC, observed that ICM provides the only ongoing educational effort for state court administrators, that the Institute has "a basic commitment to provide real challenging programs to us," and that "all of the state court administrators nationwide endorse some sort of continuing education for state court administrators."

Only one of the court clerks had attended CTP training, at ICM. The clerks, while receiving in-service training locally, seem to have access to fewer educational programs than the other role groups. One comparison respondent expressed the hope that the results of this study will be shared with the court because, "I feel that clerks really need training and wish there was a program for us."

When accounting for only the primary role groups—judges, prosecutors, defenders and administrators—we find that 80 percent have experienced CTP training.

Exhibit 1

INCIDENCE OF TRAINING IN EIGHT INSTITUTES

Role Group	Total Number At Site	Number Interviewed On Site	Number of Training Participants	Others Interviewed On Site	Mail Questionnaires Distributed
Appellate Judges	7	7	AJC - 3	Comparison-4 Supervisor-0	*
Trial Judges	33	18*	NJC-13* AAJE-2*	Comparison-2 Supervisor-1	NJC-9 AAJE-1
Court Administrators	NA	8	ICM-4 NJC-1	Comparison-2 Supervisor-1	ICM-1
Prosecutors	24	18	NCDA-13	Comparison-3 Supervisor-2	NCDA-9
Public Defenders	15	12	NCCDLPD-9 NCDA-1	Comparison-1 Supervisor-1	NCCDLPD-3
Private Attorneys	1800 est.	6	NITA-3 NCCDLPD-2	Comparison-1 Supervisor-0	NCCDLPD-3 NITA-8
Others	NA	Court Clerks-5 Investigators-6 Pre-Trial-1	ICM-1 NCDA-4	Comparison-3 Supervisor-1 Comparison-2 Supervisor-0 Comparison-1 Supervisor-0	NCDA-3 ICM-2 NJC-1

One trial judge interviewed about training experiences at both NJC and AAJE.

PERCEIVED PERSONAL CHANGES AND ATTRIBUTIONS TO TRAINING

Role Group	N	Average Years Current Role	Changes and Attributions to CTP					
			Response Frequencies	Knowledge	Procedures	Skills	Resource Use	Priorities
Appellate Judges	3	3	Number Responding Yes	2 (67%)	3 (100%)	2 (67%)	2 (67%)	1 (33%)
			Number Attributing Training	0	0	0	0	0
Trial Judges	14	8	Yes	12 (86%)	9 (64%)	10 (71%)	9 (64%)	10 (71%)
			Training	4 (33%)	3 (33%)	5 (50%)	2 (22%)	2 (22%)
Prosecutors	13	4	Yes	11 (85%)	9 (69%)	11 (85%)	9 (69%)	9 (69%)
			Training	1 (9%)	0	0	0	1 (11%)
Public Defenders	10	2	Yes	9 (90%)	7 (70%)	10 (100%)	5 (50%)	3 (30%)
			Training	0	0	2 (20%)	0	0
Court Administrators	5	2	Yes	2 (40%)	5 (100%)	5 (100%)	4 (80%)	3 (60%)
			Training	0	1 (20%)	1 (20%)	0	0
Court Clerks	1	2	Yes	1 (100%)	1 (100%)	1 (100%)	1 (100%)	1 (100%)
			Training	0	1 (100%)	1 (100%)	0	0
Private Attorney	6	4	Yes	3 (50%)	3 (50%)	5 (83%)	3 (50%)	4 (67%)
			Training	0	1 (33%)	1 (20%)	0	0
Investigators	4	3	Yes	4 (100%)	3 (75%)	4 (100%)	2 (50%)	1 (25%)
			Training	0	0	0	0	0
Total	56	3½	Percent Responding Yes	79%	71%	86%	63%	57%
			Percent Attributing Training	11%	15%	21%	6%	9%

CASE STUDY NUMBER 9

CASE STUDY NUMBER 9

SUMMARY OF FINDINGS

Introduction

This case study examines training opportunities and the incidence of training among trial and appellate judges, prosecutors, defenders and court administrative personnel at case study site number 9. It also examines the results of training in the jurisdiction and discusses both systemic and personal changes. The study includes background information on the court system and related agencies. A summary of findings is discussed below.

Major Trends and Events in the Jurisdiction

In the past five years, several attempts have been made to unify the trial courts. Although legislation has not been passed, several steps have been taken toward this end. A bill was introduced to equalize the jurisdiction of the two lower courts — the Municipal and Justice Courts. Also, Justice Court judges must now be attorneys. Another step in this direction was to raise the jurisdictional ceiling of the Municipal and Justice Courts from \$5,000 to \$15,000. Changes in this court system have been made gradually in the past and have taken the form of slow, progressive steps rather than comprehensive, massive reform. The plan to unify the trial courts is consistent with the history of change.

Incidence of Training Within the Jurisdiction

Funding for out-of-state training for all role groups is almost non-existent at this site. The state has cut back out-of-state travel, and in most cases participants must pay their own travel costs. Another factor contributing to the cut-back is the availability of in-state training.

In 1973 a Center for Judicial Education and Research was created by the Judicial Council and the state Judges' Association. Initially, the Center was Federally funded, but it is now supported primarily by state funds. The Center conducts educational programs for judges (including both orientation programs and an annual two-week Trial Judges' College), publishes a journal and benchbooks, and develops new teaching materials such as videotape and audiotape cassettes. The Center also produces a training program for judges of the Court of Appeal each year.

In addition to the Center, a state Judicial Council is mandated by statute to provide institutes and seminars "for the purpose of orienting new judges to their duties, keeping judges informed concerning new developments in the law and promoting uniformity in judicial procedure." The Council may publish and distribute materials designed to assist the judiciary. It is also required to "conduct annual sentencing institutes for trial court judges toward the end of assisting such judges in imposing appropriate sentences."

Other state organizations are active for prosecutors and defenders, and interviewees have indicated they are worthwhile courses and fulfill a training need. Although the national training courses were attended by all role groups, funding is becoming less available, and in-state training is more attractive due to the cost.

Impact of Training Within the Jurisdiction

Few systemic changes were attributed to training in this jurisdiction. Personal changes which were made as a result of training were most often in the area of new techniques, rather than substantive knowledge or organizational changes. The primary benefit from national training among all role groups seemed to be the opportunity to meet with other members of the profession to exchange ideas and opinions.

DESCRIPTION OF THE AREA

Site Description

The site of this case study was a major city located on the West Coast. The population estimate for the city as of December 1978 was 654,000. The median household effective buying income for that year was \$15,500. The main industries for this site are government, services and manufacturing.

Court Jurisdictions

This state's court system has a court of last resort (Supreme Court), an intermediate appellate court (Court of Appeal), a trial court of general jurisdiction (Superior Court), and courts of limited jurisdiction (Justice Courts in rural districts and Municipal Courts in urban areas). In addition, the chief rule-making and policy-making body of the state judicial system is the Judicial Council which consists of the Chief Justice, one other Supreme Court justice, several judges of the Appeal, Superior, Municipal and Justice Courts, several members of the State Bar, and one member from each house of the Legislature.

Lower Courts

The two lower trial courts in this state are the Municipal Courts and the Justice Courts. Municipal Courts are established in districts having more than 40,000 residents, while Justice Courts exist in less populated areas. Jurisdiction of both courts is identical and is prescribed by the Legislature.

Both courts have original trial jurisdiction in civil cases in which the amount involved is \$15,000 or less and in small claims cases when the amount claimed does not exceed \$750. The courts have trial jurisdiction in criminal misdemeanor and infraction cases.

Trial Court

The Superior Court is the trial court of general jurisdiction. It has original jurisdiction in "habeas corpus proceedings and in proceedings for extraordinary relief in the nature of mandamus, certiorari, and prohibition." Superior Court has original jurisdiction in all felony cases and in civil cases in which the amount involved exceeds \$15,000. The Court has probate jurisdiction and also sits as juvenile and conciliation courts. This Court also reviews decisions of most administrative agencies and has the power to issue permanent injunctions.

"The Superior Court has appellate jurisdiction in cases prescribed by statute that arise in Municipal and Justice Courts in their counties. Appeals on questions of law are heard by a three-judge appellate department."

Appellate Courts

The Court of Appeal, the intermediate appellate court in the state, may review judgments of a Municipal or Justice Court after a decision on a first appeal has been given by the appellate division of the Superior Court. Determinations of administrative boards can be brought to the Court of Appeal by means of a discretionary writ of review. "The Court of Appeal has original jurisdiction to entertain petitions for writs of habeas corpus; congruently, a judgment of the Superior Court denying habeas corpus is not appealable."

The Supreme Court has appellate jurisdiction over "all causes in state court system upon grant of petition for hearing." In all matters, review by the Supreme Court is discretionary, with one exception — a direct appeal to the Supreme Court is automatic in death sentence cases. This Court also has direct review of disciplinary proceedings of judges and attorneys. It has "original jurisdiction in habeas corpus proceedings and in proceedings for extraordinary relief in nature of mandamus, certiorari, and prohibition."

System Changes

The court system at this site has had few drastic changes of court reform. Instead, modernization of the courts has been gradual and has occurred in intervals of several years. The system is now moving toward unification of the trial courts. As discussed previously, legislation has been introduced and, consistent with the history of change, the unification process is likely to be implemented slowly and carefully.

Another trend mentioned by several respondents in all role groups is the Governor's appointments of appellate and trial judges with no trial experience. This trend was viewed by many to be of detriment to the court system.

TRIAL COURTS AND TRAINING

Organization and Management of the Superior Court

The Superior Court, the trial court of general jurisdiction, is headed by a presiding judge. The presiding judge designates a judge to preside in each department and designates a supervising judge for each district or branch court. When appropriate, the

presiding judge may also designate a master calendar judge. Throughout the state there are 58 Superior Courts (one court of one or more judges in each county), with 26 judges at this site. Judges are elected in their counties for six-year terms. Vacancies are filled by appointment of the Governor. Superior Court judges earn \$51,624 per year.

When a Superior Court consists of three judges, those three judges make up the appellate department. In a county which has more than three judges, the Chairperson of the Judicial Council designates the three who shall sit in the appellate department. In counties with less than three Superior Court Judges, the Chairperson assigns additional judges to make up a three-judge panel. These judges may be from the Superior Court of another county or retired judges.

Caseload Statistics

Superior Court Fiscal Year 1977-78

Total Defendants Convicted	1,972
Felony Convictions	1,904
Misdemeanor Convictions	68
Criminal Filings	2,553
Number of Criminal Juries Sworn	238
Number of Civil Jury Cases Awaiting Trial (as of June 30, 1978)	2,439

Incidence of Training

As mentioned previously, both the Judicial Council and the Center for Judicial Education and Research provide in-state training for trial judges. Both organizations also produce materials designed to assist judges in various aspects of their work. Few judges have attended national training.

Five Superior Court judges were interviewed at this site. Their average number of years on the bench in Superior Court was seven years. The average number of years of law/court related experience was 25 years. Of those interviewed, one respondent received training at the National Judicial College. The remaining four were interviewed as comparisons.

Of the four comparison interviews conducted, three attend the State Judges' Association Conferences each year, and two had attended the orientation program for new judges sponsored by the state. One judge had also attended a Sentencing Institute by the State Judicial Council. One out-of-state training course was attended by a comparison interviewee in 1969 when he participated in a program of the Institute for Court Management. All four comparison interviewees praised in-state training saying that their state's laws are so different that in-state training is much more effective (see Exhibit 1).

Impact of Training

No systemic or personal changes were identified by Superior Court judges which were a result of training.

The one participant interviewed attended a program on Criminal Justice Standards at the National Judicial College in 1975 for five days. He felt that the program was both "well prepared and well packaged," and that the faculty and teaching methods were extremely good. One of the strengths the respondent mentioned was leaving the course with renewed enthusiasm. In spite of this praise, the respondent did not wish to return to the National College for other courses, nor would he recommend the College to others. He felt that since the state has such good training programs, there is no reason to return to Reno.

The only weakness mentioned was that although the program goals were to help implement standards, there was no follow-up or coordination of information after the completion of the course.

THE APPELLATE COURTS AND TRAINING

Organization and Management of the Court of Appeal

The intermediate appellate court sits in five districts throughout the state. Each district is composed of one or more divisions. This state has four divisions, each consisting of a presiding judge and three associate judges. The Court conducts itself as a three-judge court, and concurrence of two judges present at an argument is necessary for a judgment.

Vacancies on the Court of Appeal are filled by appointment by the Governor and are subject to confirmation by the Commission on Judicial Appointment. Judges then are elected in their district (running unopposed on a non-partisan ballot) and serve a 12-year term. Court of Appeal judges earn \$61,952 a year.

All decisions of the Court of Appeal and the Supreme Court "that determine causes must be in writing with reasons stated." However, under the constitution, only those opinions which the Supreme Court "deems appropriate to be published" must be published in the official reports.

Organization and Management of the Supreme Court

The Supreme Court consists of a Chief Justice and six associate justices. It regularly sits in three counties and may hold special sessions elsewhere. Along with its appellate function, this Court supervises disciplinary proceedings against judges and attorneys.

Supreme Court vacancies are filled by appointment of the Governor. Justices are then elected at large, running unopposed at general elections, to serve a 12-year term. The Chief Justice earns \$70,212 per year and associate justices earn \$66,082.

All decisions of the Supreme Court must be in writing with reasons stated. All opinions are published.

Incidence of Training Among Appellate Judges

Two participant interviews were conducted with Court of Appeal judges who had attended training at the Appellate Judges Seminar. Five comparison interviews (two Supreme Court justices, two Court of Appeal judges, one U.S. Court of Appeals judge) were conducted along with three supervisor interviews (two Court of Appeal judges and one U.S. Court of Appeals judge).

In commenting on training needs for the U.S. Court of Appeals judges, the supervisor said that because training is provided by the Federal Judicial Center, requests for other training programs are denied. He felt this policy to be inappropriate because he strongly believes that "Federal judges need to be in courses not sponsored by the Federal Government" and that enrollment in courses with state judges enhances their understanding and improves relationships.

Two supervisor interviews were conducted with presiding judges in the Court of Appeal. Both supervisors agreed that training for appellate judges is essential and that both in-state and national training courses are necessary to achieve a well-balanced perspective. Opinions differed regarding the quality of in-state training — one judge had founded the Center for Judicial Education and Research and felt it provided excellent training, while the second judge felt that in-state training was helpful, "but too inbred."

Availability of funding was also perceived differently by the two supervisors. One stated that funds for out-of-state travel are available, but that the Governor has "in effect barred out-of-state travel." The other judge felt that the only barrier preventing out-of-state travel is that individuals must pay their own costs.

Impact of Training Among Appellate Judges

No systemic changes mentioned by judges were attributed to training. The few changes mentioned included increased caseload, more litigation of environmental issues, and implementation of a screening staff to increase efficiency.

One judge attributed personal change to training. The judge felt that his opinion writing skills were strengthened as a result of his participation at the Appellate Judges Seminar. A supervisor interview substantiated this and also mentioned that a higher confidence level was another direct benefit of attendance at IJA.

Both respondents who attended IJA felt it was an excellent program. Feelings regarding the faculty differed, however. One participant felt the faculty was carefully chosen and did an outstanding job. The other respondent felt that two extremes were present within the faculty — very good instructors and poor instructors. He commented, "I got the feeling that some of the instructors were teaching whatever their pet projects were and that some of the subjects were of more interest to the instructors than to the students."

Both participants attempted to make personal changes in their opinion writing upon returning from training. Both had recommended the IJA to other appellate judges.

The major strength of IJA mentioned by respondents was the benefit of meeting and talking to other judges from different locations. One participant, addressing the topic area of judicial administration, felt that it should not be taught because of the wide range of disparities among jurisdictions.

Incidence of Training Among Court Administrative Personnel

Two supervisor interviews and four participant interviews were conducted with administrative persons in the court system. They included respondents from the Administrative Office of the Court, the Superior Court, Municipal Court and the Court of Appeal. The average number of years of law/court related experience was 13 years, while the average number of years in their current positions was five.

A total of 11 Institute for Court Management courses were attended by the four participants. One respondent is close to achieving Fellow status.

Impact of Training Among Court Administrative Personnel

One systemic change was mentioned by a respondent which he felt was a result of training at ICM. The change involved computerization and word processing implementation in his court system. Another participant noted improved communication within the court system over the past few years, and the remainder felt no significant changes had occurred.

When asked about personal changes, one person responded that improved communication skills and personnel management were examples of results of training at the institute.

A supervisor interview substantiated this improvement. The supervisor also felt that ICM training helped staff mature professionally. He felt strongly that more funds should be made available to train mid-level managers.

Three participants were pleased with the ICM courses attended, while one person felt that the program was superficial and poorly designed. However, all four expressed a desire to return for further courses. One respondent commented that he was overwhelmed by information and suggested that ICM should either limit information or expand the time period for the course. Topic selection and good faculty members were mentioned as strengths of the Institute.

PROSECUTOR SYSTEM

Organization and Management

The District Attorney's primary function is to prosecute public offenses committed within the boundaries of this site. The District Attorney is also responsible for the

overall presentation of a criminal case including investigation, grand jury inquiries, drafting legislation and advising law enforcement officers. In addition, the Office has involvement in other criminal proceedings such as search warrants, arraignments, preliminary hearings, pretrial conferences, and sentencing recommendations.

The Office is headed by an elected District Attorney and consists of approximately 80 prosecutors who are assigned to one of seven divisions. The divisions are: Investigations, Special Prosecutions, Administrative Services, Consumer Fraud, Victim/Witness, Family Support, and Criminal Prosecutions. The Criminal Prosecution Division is further subdivided into units: the Municipal Court, Superior Court, Juvenile Court, and Career Criminal units.

Caseload Statistics

The most recent caseload statistics available for the District Attorney's Office were from 1976. The caseload information was collected manually at that time. It has recently been computerized, but is not yet available.

Incidence of Training

The District Attorney's Office is extremely supportive of training — both national and state. The Office established an ongoing training program for attorneys and criminal investigators which includes weekly updates on appellate decisions and other changes in the law.

Two supervisor interviews were conducted in the Office, during which both agreed that training is essential. Although funds are extremely limited, the supervisors felt that by allowing time off for training, they encouraged their staff to attend. In the past, scholarships from the National College of District Attorneys were divided among the prosecutors and 2-4 people were able to attend each year. However, according to one supervisor, "the NCDA staff member who recruited our office to attend seminars left, and we have not been able to get scholarships since then. Without scholarships, we cannot send people."

Both NCDA training and the state District Attorney's Association programs and materials were praised by the supervisors. One felt that it is extremely important to have training geared specifically to the state and that the District Attorney's Association served their needs very well, with less expense involved.

Ten prosecutors who attended training at the National College of District Attorneys were interviewed at this site. One prosecutor and one private attorney who participated in training at the National Institute for Trial Advocacy will be discussed separately at the end of this section.

The NCDA participants attended a total of 13 courses at NCDA and 15 courses sponsored by either state or local organizations. Of the 10 prosecutors interviewed, five attended the Career Prosecutors course. The average number of years of law/court related experience was eight, while the average number as a prosecuting attorney was seven years.

Impact of Training

Prosecutors identified few systemic changes, and none was attributed to training. Many felt that the most significant systemic change was a result of the appointment of judges with little trial experience. Two respondents said this forced them to become better lawyers, and they now spend more time preparing a case for trial.

One person attributed his improvement in trial organization to attendance at NCDA. All other personal changes were attributed to either experience on the job, system changes, or changes in job responsibilities. However, when asked about change after attending NCDA courses, eight respondents said they had attempted to make changes related to what was learned. Examples include case preparation, demeanor in court, evidence presentation and interviewing techniques. One person initiated an organizational change upon returning from NCDA.

All but one respondent expressed a desire to return to NCDA in the future. Many requested returning for sessions dealing with specific topic areas, but one simply wanted to get away from the office.

One of the strengths of the College discussed by participants was the benefit of being able to share experiences with prosecutors from other jurisdictions. The major weakness mentioned was the lack of small group discussion. Most participants felt more time should have been devoted to this, since classes were large and there was little time for interaction with others. Also, many persons commented that too much material was covered in too short a time period. Another criticism mentioned by two respondents was the College's lack of sensitivity toward women and minorities. One participant was offended by sexist comments by speakers and felt that the staff "should have been able to control their speakers better."

The two NITA participants interviewed both felt their training was very good. One person said her trial techniques and organization for a trial had improved as a result of training at NITA. The other respondent identified several personal changes made since she returned. Both respondents agreed that the faculty was excellent — particularly with regard to monitoring the progress of students.

The major aspect of the course which both respondents found to be beneficial was the role playing and videotaping. One person commented that, "Just doing is the key to NITA's benefits — you are always learning because you are always being critiqued."

The respondents mentioned two weaknesses of the program. One felt NITA's casebook could be improved and should be rewritten. The other respondent felt that NITA focused so much on techniques that substantive areas of law were not adequately covered.

DEFENDER SYSTEM

Organization and Management

The Public Defender system at this site was established in 1921 by charter. Mandated services include providing defense and counsel or advice to any person charged with the commission of a crime if the person is financially unable to employ counsel, or if the court so orders.

The Public Defender's Office is headed by an elected Public Defender and employs 65 attorneys. The Office is composed of six divisions which are: Superior Court, Preliminary Hearings, Municipal Court, Mental Health, Juvenile Court, and Investigations. In addition, the Office employs two clinical psychologists, two social workers, approximately 15 paralegals and about 21 clerical/support personnel.

Caseload Statistics

Total Legal Client Representation For Fiscal Year 1977-78

Adult Courts (felony and misdemeanor)	26,479
Juvenile Court Clients	2,982
Mental Health Clients	1,959
Total	31,420

Incidence of Training

Eight participant interviews and one supervisor interview were conducted in the state Public Defender's Office. The participants attended a total of 13 courses at the National College of Criminal Defense Lawyers and Public Defenders. Topics included evidence, cross-examination of expert witnesses, trial tactics, and advanced courses. All participants paid for courses themselves. Almost every participant has attended other local training programs sponsored by various organizations including Continuing Education of the Bar, Attorneys for Criminal Justice, National Lawyer's Guild, and continuing education courses from a local law school. The Public Defender's Office also provides orientation and some in-house training, although training is not done on a regular basis.

The Office is very supportive of training and encourages defenders to attend. However, no funding is available and participants must pay for their own courses. During a supervisor interview, the Public Defender spoke of applying for private grants

for an in-house educator to teach substantive law. He feels there is a great need for training in both content and advocacy skills for public defenders and, because funding is scarce, realizes the need to approach private foundations.

The Public Defender praised the Attorneys for Criminal Justice seminars for providing excellent programs and said that state organizations do a good job. He feels strongly that procedural law should be taught by state organizations because in this area national training would not be appropriate.

In addition to the nine interviews conducted in the state Public Defender's Office, three Federal Public Defenders and one private attorney who attended NCCDLPD were interviewed. These four participants will be included in the following discussion of impact.

Impact of Training

The major system change discussed by participants was the change in leadership when the new Public Defender took office. Comments varied regarding the change — some defenders felt the office is better organized since the new Public Defender took office, and two respondents mentioned that more competent attorneys were being hired as a result. On the other hand, one participant felt that morale had declined since then. No systemic changes were attributed to training.

One respondent attributed a personal change in resources to the availability of NCCDLPD materials. The remaining participants attributed personal changes to experience on the job or to system changes.

Opinions of NCCDLPD varied, depending on which particular course was taken. Two state public defenders felt that the evidence course they had attended was not applicable to their system because it focused primarily on rules of Federal evidence. Another state public defender commented that the course he attended was designated as advanced, but was actually designed for the beginner and was not applicable to his court system either. Other defenders felt their courses were very applicable.

Most respondents felt the faculty did a very good job, although two participants complained that too many "war stories" were told. One person said that the faculty was interesting to listen to, but not much actual information was obtained.

All but one person expressed interest in returning to other courses in the future. Several suggested that NCCDLPD should sponsor courses directed to their state's laws. They also suggested that NCCDLPD hold more local and regional courses to enable more participants from their area to attend.

Several participants cited the same types of weaknesses in NCCDLPD training. One of the common suggestions was to allow more interaction among participants, particularly in the form of small group discussions. Another criticism was that the materials should supplement, rather than duplicate, the lectures. Also, several persons felt that the literature describing courses should be more explicit and that the College should then adhere to their descriptions.

One of the strengths mentioned most often by respondents was the combination of the faculty members and their teaching methods. Those participants who attended courses which had demonstrations were very pleased with the combination of teaching methods.

INCIDENCE OF TRAINING IN EIGHT INSTITUTES

Role Group	Total Number At Site	Number Interviewed On Site	Number of Training Participants	Others Interviewed On Site	Mail Questionnaires Distributed
Appellate Judges	23	8	IJA 2	Supervisor 2 Comparison 4	IJA 2
Trial Judges	45	5	NJC 1	Comparison 4	NJC 1
Court Administrators	N.A.	5	ICM 3	Supervisor 2	ICM 1
Prosecutors	80	13	NCDA 10 NITA 1	Supervisor 2	NCDA 1
Defenders	65	12	NCCDLPD 11	Supervisor 1	NCCDLPD 4
Private Attorneys	N.A.	2	NITA 1 NCCDLPD 1		NCDA 1 NCCDLPD 13 NITA 28
Others	N.A.	3	ICM 1	Comparison 1 Supervisor 1	NJC 1

CASE STUDY NUMBER 10

CASE STUDY NUMBER 10

INTRODUCTION

This case study presents findings of the visit to site number 10, provides background on the court system, and offers insight regarding the incidence and impact of training within the jurisdiction. Both personal and systemic changes initiated by court personnel subsequent to training are discussed. The report includes data collected during interviews with appellate and trial judges, prosecutors, public defenders, and court administrators.

Major Changes and Trends in the Jurisdiction

The state legislature made the Supreme Court a court of review effective January 1, 1978 and granted general jurisdiction to the Court of Appeals. The legislature also increased the size of the Court of Appeals from 6 to 10 members to accommodate the increase in caseload resulting from this change.

The State Court Administrator's office continues to take a more active role in the trial courts, as well as serving the appellate courts in the role of clerk. The increased responsibilities toward the trial courts include offering technical assistance, developing planning processes for all courts, and supervising the state judicial information system, which is being developed more on the trial level. The work of this office contributes toward developing a more uniform reporting system for the state courts. This office in the past two years has also expanded the services and programs of the state judicial college but has been refused adequate funding by the legislature to continue its projects.

Incidence of Training in the Jurisdiction

Attendance at national training programs is high among appellate judges in this jurisdiction. The commitment to training among Supreme Court justices is supported and encouraged by the Chief Justice, who is a strong advocate of out-of-state programs. Training is further supported by associate justices who are former law professors and are fully committed to continuing education. The Chief Judge of the Court of Appeals is not supportive of national training programs. Because of some unfortunate experiences he has had, he feels that most out-of-state training programs are actually junkets or vacations. He says that poor judges are still poor judges when they return from such training, and he suggested that LEAA put its money to better use.

The Chief Judge of the Circuit Court encourages his new judges to attend NJC soon after their appointment, and therefore attendance at this institute for the Basic Trial Judges course is high among the judges of this court. The other trial judges quite frequently attend the shorter specialized courses offered by NJC, selecting those that are most relevant to their roles and responsibilities.

Training for members of the District Attorney's Office is initiated primarily by the state District Attorneys Association, which sponsors a Summer Institute for Prosecutors and varied short courses throughout the year. The limited number of prosecutors (three) who have attended CTP institutes attests to the little support and encouragement that is given to out-of-state training.

The defender's office, which represents defendants at the appellate level only, has neither an in-house training program nor sufficient funds to send attorneys to national training. In fact, the state Public Defender had never heard of NCCDLPD and asked us for its mailing address so that he might obtain more information. The Chief Deputy Defender complained that there are not many national training programs of which he is aware that are relevant to the needs of his staff. Only two individuals in this office have attended NCCDLPD, for a course on death penalty defenses.

The State Court Administrator's Office strongly advocates national training, both on the judicial and non-judicial level. Several personnel in that office have attended ICM, but legislative funding cutbacks will reduce the number the office can fund for training in the future.

IMPACT OF TRAINING

The judges of all levels spoke most often of the benefits of training in terms of the interchange of ideas and perspectives with their peers from other states. In addition, they appreciate the focus of national training programs regarding the *role* of a judge, particularly since many of them attended training immediately following appointment or election. The prosecutors cited improvements in trial techniques as the major benefit of their CTP experience. Those involved in court administration cited several specific system changes attributed to training, which they say improved court management and efficiency. More specific examples of personal and systemic changes are documented in the following sections.

Exhibit 1 displays the number, role groups, and types of interviews conducted at this site. It should be noted that only minimal numbers of NCDA, NITA, and NCCDLPD participants existed at this site.

DESCRIPTION OF THE AREA

Site Description

The site of this case study is a capital city located in the northwestern region of the country. According to 1978 statistics, the population was 86,100, in a county of 186,000. The median household effective buying income for that year was \$14,565. Service industries are the main source of employment in this city, while food processing ranks second in major industries.

Court Jurisdiction

The judicial power is vested in a Supreme Court and such other courts as are created by law. The Court of Appeals, Circuit Courts, Tax Court, County Court, District Court, Justice Courts, and Municipal Courts are authorized by statute. Jurisdiction in the state courts is not uniform, with various courts at different levels sharing jurisdictions.

APPELLATE COURTS

The *Supreme Court* is the court of last resort in the state, with appellate jurisdiction in all cases from the Court of Appeals. The Court may issue extraordinary writs. The justices sit en banc, but may sit in panels.

The *Court of Appeals* is the intermediate appellate court with statewide jurisdiction. It hears cases appealed from the Circuit Courts and District Courts and reviews decisions from administrative agencies. This court has no original jurisdiction.

TRIAL COURTS

The *Circuit Court* is the trial court of general jurisdiction. The Courts have original jurisdiction over all cases not otherwise provided for by law. The Circuit Courts have appellate jurisdiction only in cases from Justice of the Peace Courts and Municipal Courts.

The *Tax Court* is a court of general jurisdiction, as defined by state statute. This court has a single judge and statewide jurisdiction in all matters regarding state tax laws. The Court includes a small claims division which hears cases involving tax questions concerning disputes of \$500 or less.

The trial courts of limited jurisdiction are the County Courts, District Courts, Justice Courts and Municipal Courts.

The *District Courts* have jurisdiction in civil matters involving \$3,000 or less and in small claims involving \$500 or less. These courts have original jurisdiction in misdemeanors, preliminary hearings, and, concurrent with the Municipal Courts, city ordinance violations.

A *County Court* exists in each of the nine rural counties and has jurisdiction over probate and/or juvenile matters.

The *Justice Court* has jurisdiction in misdemeanors; in civil cases involving \$1,000 or less except where specific cases are prohibited by statute; and in traffic offenses. Jurisdiction is often concurrent with other courts. In a county seat where a District Court is established, there is no Justice Court.

The *Municipal Courts* have jurisdiction in violation of municipal ordinances. Any city or town may establish a Municipal Court. A few cities have merged their Municipal Court into the local District Court.

System Changes

In 1974 the state initiated a state judicial information system (SJIS) designed to modernize court management and statistical data collection, expedite case handling, and reduce paperwork. Since then, record keeping has become automated in the Supreme Court and Court of Appeals, and the system has been extended into the trial courts.

Until 1977, procedural rule-making authority was vested in the state legislature. In that year, the legislature created a Council on Court Procedure to promulgate rules of civil procedure. The Council is composed of ten judges, twelve lawyers, and one layman. The Council presents its new, repealed or modified rules to the legislature at the beginning of each regular session; these changes become effective 90 days after the close of the session unless modified by the legislature.

Other areas of change in the past year concern judicial jurisdiction, selection, and education.

The State Supreme Court was made a court of review, effective January 1, 1978, by legislation which requires all appeals from lower courts to go to the Court of Appeals. This plan replaces the divided jurisdiction which had prevailed since the Court of Appeals was created in 1969. The legislature also increased the size of the Court of Appeals from six to ten members.

For the first time in 1978 the state electorate had an opportunity to vote on a long-proposed change in the method of selecting judges. As referred by the 1977 legislature, the constitutional change would have required that the state appellate and tax judges (all those now subject to election by statewide ballot) be appointed by a commission composed of the Chief Justice, three nonlawyers appointed by the Governor, and three members of the state bar appointed by the Governor from a bar-nominated list. Appointed judges would have run on their record at the next election and every six years thereafter. Voters could have then "retained" or "rejected" such judges, but no other name would have been on the ballot. The voters, however, rejected this amendment.

A principal activity of the Judicial Conference, continuing judicial education, was expanded and strengthened in 1977 with the establishment of a state Judicial College by the State Court Administrator and a local law school. For two years an experienced staff director coordinated all professional education for judges and court staff, revised or developed new bench books and other reference publications, and employed innovative techniques and program ideas for classes and training. The 1979 legislature, however, cut funding for judicial education by 75 percent, refusing to supplant the seed money the Federal government had allocated previously for this purpose. The position of staff director was eliminated and in-state and national program attendance will be sharply curtailed.

APPELLATE COURTS

Organization

The Supreme Court consists of a chief justice and six associate justices. The Supreme Court usually sits en banc, but it may sit in panels of three to five justices. The concurrence of a majority of justices is necessary to pronounce judgment. A majority of any panel must be regularly elected justices.

The Court of Appeals has ten judges, including the chief judge. The judges sit in panels of three, which must consist of a majority of regular judges of the court. The concurrence of two judges is necessary to pronounce judgment. The chief judge can order the court to sit en banc, with not more than two judges pro tempore sitting on the court.

The justices and judges of the appellate courts are elected on a non-partisan basis for six-year terms by the voters of the state. The Governor fills judicial vacancies by appointment until a successor is elected at the next general election.

The Chief Justice and Chief Judge are elected by a majority of their colleagues in their respective courts and may succeed themselves.

The salaries of the Supreme Court justices are \$43,530, and the Chief Justice receives \$44,616. The Court of Appeals judges receive \$42,949, with the Chief Judge's salary at \$43,530. The state court administrator is appointed by the Supreme Court or a majority of the justices. He acts as the administrator of the state court system and serves as the clerk of the Supreme Court and the Court of Appeals. There are no statutory qualifications for the position. The administrator's salary is \$39,487.

Management

The Chief Justice of the Supreme Court is its executive officer, exercising administrative authority in accordance with court rules and orders.

The Chief Justice of the Court of Appeals apportions the business of the court and presides in any panel on which he sits.

The state court administrator assists the Chief Justice in exercising his administrative authority over the courts. This authority includes data collection, public relations, judicial education, issuance of administrative orders, budget preparation and appointment of administrative staff for his office.

The state court administrator has a staff of 40 persons who assist him in his role as clerk of both appellate courts. The staff includes an assistant court administrator, a legal counsel, two calendar clerks, a director of public information, program and management analysts, a director of trial services, two editors, and other administrative and secretarial personnel.

Caseload Information

The statistics of the courts are listed in *Exhibit 2*.

SUPREME COURT

Incidence of Training

Six justices of the Supreme Court were interviewed regarding their participation in judicial education programs. Two of the justices interviewed have participated in LEAA-funded institutions during the last several years. One justice has attended the Appellate Judges Seminar of the Institute of Judicial Administration, as well as the Appellate Judges Conference of the ABA and two courses offered by the National Judicial College. The second justice interviewed, who had been a justice for only three months, recently attended the Appellate Judges Seminar at IJA.

Three justices were interviewed as comparisons. Two of these had not attended training recently. However, they have rich academic backgrounds and extensive experience in teaching, including positions at the LEAA-funded institutions.

One of these, a retired judge who had been Chief Justice for six years, had attended the Appellate Judges Seminar of the IJA in 1967 and taught there the following two years. He also taught at the National Judicial College three times and was on the faculty of the Judicial College of the Army on the west coast. Since his retirement three years ago, he has taught courses at two local law schools.

The second justice interviewed as a comparison had been a law professor for 18 years before assuming his position on the Supreme Court and is a member of the Committee on Judicial Education, which designs the educational programs for the annual state conferences for judges. In addition, he has been elected to the American Law Institute which invites him to annual meetings, and he attends the state Bar Association meetings.

The third comparison interviewee attends solely state-sponsored training, although he is aware of the LEAA-sponsored institutions. He is critical of national programs and believes that "most are held at resorts, and judges go to play, not to learn."

The Chief Justice observed a high incidence of training among the justices in his court, noting that five of six have participated in training, with four of them having gone to AJS/IJA and one to AJC/ABA. Two other judges attended a conference sponsored jointly by ABA and LEAA on "Standards for Criminal Justice."

Impact of Training

The justice who attended AJC/ABA did not attribute any specific changes he had made recently to ideas gleaned from training. He feels that reviewing impact decisions of the U.S. Supreme Court and other courts has increased his general knowledge of the law and courts. With regard to the quality of training, he felt that AJC offered a great deal in terms of the well-prepared faculty and the opportunity to exchange ideas with other judges both formally and informally. However, he admitted that he would not return for additional training unless more time was allotted to the issues facing senior appellate judges, as opposed to focusing on problems of intermediate appellate courts. He noted that the best training he ever received was at the National Judicial College, especially in areas of evidence.

The second participant who attended AJS/IJA was able to implement changes as a result of the training received there. He improved his use of law clerks and suggested several procedural changes to the Chief Justice. He felt the course was most beneficial in providing a stimulating atmosphere in which intellectual and social intercourse with other judges could be carried on. He criticized the format of their course evaluation and recommended that students be given a more detailed reading assignment in advance.

The two legal educators interviewed as comparisons felt that their greatest contribution to the Supreme Court was their academic backgrounds, which forced the other justices to consider other perspectives of issues before them. Each of these judges has contributed significantly to the court. The retired justice was responsible for a bill passed by the legislature to grant judges leaves of absence without compensation for purposes of study. He also created the position of Assistant to the Court which is filled by a former law professor who rotates among the judges assisting them in their most difficult cases. As Chief Justice, he initiated meetings with Circuit Judges around the state regarding case settings and administration.

He was quite insistent on the need for judicial training but lamented the superficial aspect of most short-term courses and the "prima donna" instructors who really do not have the time away from court to prepare well-structured, insightful lectures. His concept of adequate judicial training includes a focus on the process of decision making, not on substantive areas. He feels that the Supreme Court justices should have more time for judicial education, since the Court of Appeals now takes direct appeals and some of the caseload of the higher court.

The second justice who was also a law professor offered his suggestions regarding training for court personnel:

- *Judicial education should be diverse enough to satisfy a wide spectrum of judges.*
- *Judges should be taught "judicial responsibilities" since they "have an obligation to have a philosophy," to question their "basic commitments."*
- *Judges need "general consciousness-raising," an opportunity to be away from their daily routines to ponder their role.*
- *Teachers of courses should be novelists, dramatists, not sociologists, and not necessarily those who are "from the same trenches."*
- *Since very few state judges are from federal courts, they need to learn about their role in reviewing government action, in understanding public law issues, administrative law and laws regarding government programs.*
- *Judges need to go back to school with professors who will force them to think, using a socratic method of teaching.*
- *The District Attorney and Defenders Schools (NCDA and NCCDLPD) should be combined to prevent the kind of cynicism that is bred by their adversary positions and enhanced through separate schools. The state should have a pool of lawyers to render services both as prosecutor and defender when needed.*

The Chief Justice observed that attendance at national programs had increased the knowledge of the justices in areas of substantive law, had improved their opinion writing and had resulted in procedural changes in the court. He feels that training out-of-state is essential to prevent stagnation. He complains that the budget cuts by the legislature have limited the ability to send judges to national programs and eliminated the position of state training director, responsible for supervision of state judicial training. He suggests that LEAA should take some action with regard to enlightening state legislators about the need for continuing education for judges.

INTERMEDIATE APPELLATE COURT

Incidence of Training

Nine judges on the intermediate state appellate court were interviewed regarding training. Seven of the judges were participants at LEAA-funded institutions; one had not attended either national or state training during the past few years, with the exception of annual state judicial conferences which usually include one or two days of training.

Four of the participants had attended AJC; three attended IJA; three attended NJC and two had gone to AAJE, specifically for the Opinion Writing course. One judge had attended five LEAA-funded institutions within the past eight years.

Other courses attended by the judges included the State Judicial College, the State Bar Association, State Traffic Court, and the National District Attorneys Association.

Impact of Training

Many of the changes cited by the judges with regard to their personal knowledge, skills, and procedures were attributed primarily either to their assuming a new position on the appellate court or to the systemic changes that have occurred within the court. In 1977, the number of judges was increased from six to ten. The following year, the Court of Appeals was granted general appellate jurisdiction, with the district courts making direct appeal to this court. This consequently increased the caseload. One judge claimed that the caseload has tripled over the last five years. In addition, during the last six months the court has reorganized from a 10-person court to three panels of three judges each, which will operate somewhat independently of each other and which will require only periodic full court conferences for opinion reviews.

Of the four AJC participants, only one was highly enthusiastic about the overall quality of training. Three of the judges were satisfied with the course and commented that it was well-organized and afforded them the opportunity to meet with other judges. One judge suggested distributing more preconference publications on the objectives of the program. All three would return and recommend it to other appellate judges. The fourth judge commended the faculty, but complained that the topics selected were too broad and that discussion in classes was not encouraged.

From his experience at AJC, this judge outlined what he considers to be a more appropriate training session for appellate judges:

- *One-week seminar (two weeks is too long);*
- *Small group discussions with dynamic leaders;*
- *High degree of participant involvement; and*
- *Specialized, not general, topics with emphasis on court administration.*

One judge who was a faculty member at AJC felt that it suffered from "petrification" from the same faculty who taught every year, since few others could take the time to commit themselves to teaching. Therefore, AJC often gets retired judges or judges from small courts who do not always address the needs of the participant, he feels.

Two participants of AJS/IJA have also been instructors there recently and shared similar insights regarding the topics, faculty and format. They both agreed that the major asset of the program is the contact provided with other judges and with experts in the field. Their criticisms focused on the curriculum, which they felt should reorganize with less regard to the faculty's choice of topics. They agreed that more discussion

should be promoted and that faculty should be recruited more selectively so that the seminar would not "get stuck" with "deadbeats" year after year, with little criticism or questioning of their performance.

The third AJS attendee felt that IJA offered the most interchange among participants of any training program he had attended.

The greatest impact on judges was in the area of personal confidence in new roles. One judge said that this state was held up as a model for others, and any changes recommended were already implemented in his court. They all highly recommend IJA to other appellate judges.

Three appellate judges attended the residential Basic Course for Trial Judges at the National Judicial College. One had been a trial judge and enrolled in the course to bridge the gap between private practice and appellate judge responsibilities.

One judge also attended a short course in Administrative Law sponsored by NJC which he felt was "a trifle elementary" in the light of his previous experience in that field.

The most extensive comments regarding NJC were offered by a judge who felt that both faculty and organization of the program were excellent. Her one complaint concerned the deliberate placement of one woman judge in each of the discussion groups, which led to stereotyping a "woman's" opinion of issues.

Two AAJE participants offered comments regarding their training. One judge felt that of all the several LEAA-funded programs he had attended, the opinion writing course rated the highest, pointing to the constant feedback from instructors and follow-up critiques as especially beneficial.

The second participant rated the seminar high, but noted that the follow-up critique by instructors was very slow and that the faculty, who were not law-trained, attempted to clarify "legalese" by occasionally changing the meaning. He also observed that it is difficult to implement the hints offered once returning to the courts because of lack of time to concentrate on basic points.

The comparison interviewee does not have faith in judicial education, claiming that reading advance sheets and discussions with colleagues is sufficient. He does not feel that faculty at these programs are really experts, but may go to AJS/IJA because a colleague on this bench is an instructor there.

The Chief Judge of the Court rated IJA as the best training he has seen and AJC as very poor. He feels that the AAJE writing course is effective, but complains that often instructors at various institutes are "judicial hacks who can't teach." He believes that on-the-job experience is the best training for judges.

Several of the judges complained of lack of funds for out-of-state training and budget cuts that eliminated the state judicial training officer, who planned in-state programs.

TRIAL COURTS AND TRAINING

Organization

There are 21 Circuit Courts in the state, based on county and multi-county boundaries. This site is in the third judicial district. The Circuit Court has no designated number of judges in each district, but varies from one to 18, as specified by statute. There are six judges in this court.

There is an informal juvenile department in most Circuit Courts. In this county, there is a statutorily designated department of domestic relations to hear family and juvenile matters. These cases can also be reassigned to other judges.

The number of judges in each District Court varies from one to 13 and is assigned by statute. There are three District Court judges at this site. Statewide, there are 22 single-county District Courts and one court which serves two counties.

Both the circuit and district judges are elected on a non-partisan basis for six-year terms by the voters of their jurisdiction. All circuit judges, including the presiding judge, receive an annual salary of \$39,487. All district judges receive \$35,393.

The number of judges in each Municipal Court is determined locally; in this city, there is one judge who is elected by the voters for a two-year term and receives a salary of \$29,664. In every other city, the municipal judge is selected by the city council and serves at their pleasure.

Management

In any multi-judge circuit, a presiding judge is elected by the majority of judges. If a majority cannot agree, a presiding judge is appointed by the Supreme Court. A presiding judge may succeed himself indefinitely. A presiding judge is also chosen in multi-judge districts by judges of the court, with the Circuit Court of the county designating a presiding judge if there is no agreement on selection by the judges themselves.

In a Circuit Court, the presiding judge's decision controls when a majority of the court cannot agree on the apportionment of business and the form of rules. He may also appoint a court administrator with the approval of a majority of the judges. There are, however, no statutory or constitutional provisions for a court administrator in any court of limited jurisdiction.

Caseload Information

The statistics for the past year for the Circuit, District and Municipal Courts in this jurisdiction are displayed in *Exhibit 3*.

Incidence of Training

The Presiding Judge of the Circuit Court encourages each new judge to attend the National Judicial College for training within one year after appointment or election. His support is reflected in the high incidence of NJC attendance among the judges interviewed. Ten trial judges were interviewed, including the Presiding Judge, who has been both an instructor and participant at NJC. Six circuit court judges, three district court judges, and one municipal court judge were interviewed as participants. In addition, the Executive Assistant to the Governor, a former judge on the Court of Appeals, was interviewed as a participant of NJC.

The Presiding Judge stated that all six judges on his court have attended the state judicial college, the circuit judges association, and the annual judicial conference, as well as NJC. The county usually pays for any cost incurred at out-of-state training, and the state pays for in-state training. The Presiding Judge was concerned about the cutbacks in funding for judicial education which the legislature made during the last session.

The ten persons interviewed as participants had attended NJC. Five had attended the Basic Trial Judges course of three or four weeks duration. Short-term courses in which judges participated included the Limited Jurisdiction seminar, the Special Courts School, the Minor Courts program, the Trial Courts Administration course, and workshops in Traffic Law and Juvenile Court. The municipal judge also attended the first class sponsored by the American Academy of Judicial Education.

Impact of Training

The participants of the three or four-week Basic Trial Judges course at NJC felt that it was an excellent orientation course that focused on the *role* of the trial judge and served as an appropriate transition for the new judge. The one participant who was in the appellate court at that time found it helpful since he had never been a trial judge and noted that the course affected his handling of appeals from the trial courts. Other specific changes resulting from the judges' attendance at NJC included implementation of changes in the docket system, use of more formal procedures for opening court, and better control of attorneys' use of continuances. One judge was particularly impressed with the discussion of handling a widely publicized trial and felt he had learned much about media in the courts.

Almost all participants praised highly the organization of NJC and the general administration of the institute. They were unanimous in their appreciation of the opportunity to exchange views with other judges.

The recommendations offered by these participants related primarily to faculty selection. One judge complained that some instructors and group leaders were inadequate; another felt that cronyism affected the selection and suggested the evaluation of criteria for recruitment; a third judge advocates more academically oriented instructors, including experts from disciplines outside of law.

The attendants of the Special Court Schools and Special Jurisdiction seminar listed several changes they effected subsequent to training: improvement of docket management, avoidance of "legalese" in discussions with defendants, development of alternatives to incarceration, and implementation of quasi-diversion programs for youthful offenders in traffic court. One of the participants praised the higher caliber of faculty in the seminar he attended, while another felt that his group discussion leader, who "told war stories and jokes," was quite inept.

One judge was extremely complimentary about all aspects of the course he attended in Minor Courts, especially noting the excellent discussions provoked by instructors, but he felt the Juvenile Court course he also took at NJC was unimpressive, consisting of boring lectures on theoretical topics.

The participant of the Trial Court Administration course found that subsequent to training he was firmer on requests for continuances and attempted to modify the docketing procedures. He felt the course could be improved by limiting the focus to only one type of court. This suggestion was also made by the Presiding Judge of the Circuit Court who feels, in general, that judges of similar type courts should meet together more often.

COURT ADMINISTRATION

Incidence of Training

Six persons involved in court administration were interviewed including the state court administrator, his assistant, a deputy administrator of trial services, a legal counsel for the Supreme Court, a case records administrator, and a juvenile justice planner. Three had masters' degrees, one had a law degree, and one was a high-school graduate. The five participants interviewed all attended ICM. One was a 1970 graduate of their full-time program and the others had attended five-day programs in courses relating to a specific aspect of court administration, such as records, budgets, or personnel management.

The state court administrator is extremely committed to training, both for his staff and for the judges. He has been to NJC, and two of his administrators have attended ICM. None of his staff attorneys has attended any training but he has sent two of his secretarial staff and one editor to courses on word processing. His public relations officer has also attended a week-long course funded by LEAA. He had a training officer on his staff, but the position was cut this year by the state legislature. This person had been responsible for state judicial training, as well as educational programs for the administrative and secretarial staff.

The legislature refused to accept the proposed budget submitted for continuing education, cutting it from \$200,000 to \$50,000. Federal funds had previously supported many of the projects, but the legislature, believing the judges do not need training, will not replace the "seed" money. The members of the legislature feel that only justices of the peace, who are not law-trained, require additional training, observing that since "there are more appeals than ever before, obviously judicial training has had no effect on the court system."

Impact of Training

The administrators noted among significant system changes which increased efficiency the computerization of records since 1975 and the tendency toward uniformity of the courts, especially trial courts.

The participant in the six-month ICM program felt that the course assisted him most in areas of personnel relations, case management, and record-keeping. He noted that there were, in his opinion, only a few outstanding faculty and felt that the field research efforts were not sufficiently monitored.

The two attendees of the workshop in Budgeting, Planning, and Fiscal Controls commended the faculty as highly experienced practitioners. One participant felt he could not make any changes as a result of training, complaining that there were too many participants in his group from his own state and that, in general, the certificate-seeking attendees dominated most sessions.

The second participant at this workshop had expected more "nuts and bolts" and less theory and suggested that the course be split to meet the needs of upper and lower management. He also recommended regional programs to accommodate the needs of specific courts, noting that the diverse backgrounds of participants caused difficulties when discussing application of concepts. He was able to improve the work flow in his office as a result of ideas generated in the classes, as well as initiate the implementation of PPBS in certain offices of the court system. He feels that more chief judges and administrative judges should attend these workshops to understand the roles of administrators, especially since they are in positions to authorize change.

This participant preferred his courses at the University of Southern California in Criminal Justice Planning and Cost Benefit Analysis to ICM training. He felt that the USC training, funded by LEAA, was "excellent, better than a graduate school course," and dealt more with concrete problems faced by those in court administration.

The case records administrator felt that the ICM course in Management for Supervisors offered her insights in dealing with people and a survey of leadership styles she felt relevant to her position. She was not impressed with the course in Records Systems, and Procedures because of her observation that her state was more advanced than most regarding computerization and that the instruction was only adequate.

The one participant who attended the course on Management for Justice System Supervisors admitted that his only motive for enrolling was to get an "out-of-state trip," and that while it was not especially relevant to his role as legal counsel for the Supreme Court, he felt he had broadened his perspective on issues through exchanges with other participants.

The court administrator felt that the greatest observable impact of training on his staff was in areas of financial forecasting, budgeting and personnel management.

PROSECUTOR SYSTEM

Organization

The District Attorney is the Executive Officer who enforces the state legislature enactments of criminal law before the state judiciary in his jurisdiction. He oversees law enforcement at all three levels—city, county, and state—as it relates to the enforcement of state criminal laws. He is elected by county voters for a four-year term.

There are six sections within the office: Circuit Court, District Court, Support Enforcement, Juvenile, Grand Jury, and Administration. The Administration section is headed by a non-law trained executive assistant who supervises all administrative functions of the office. The staff consists of 16 attorneys, two law clerks, one criminal case analyst, the executive assistant, 23 legal secretaries and one clerk.

Management

The District Attorney is responsible for conducting all felony prosecutions in the Circuit Court, as well as all misdemeanor and traffic offenses. He provides legal counsel to the elected officials of the county and assists the police agencies by offering training and refresher courses on proper procedures and new developments in the law.

Caseload Information

In 1978, there were 1,309 charges referred to the Grand Jury, with 1,303 indictments returned. Criminal proceedings in the Circuit Court totaled 1,514, including 1,303 indictments.

Thirty-four cases were still open at the end of 1978, and only one case resulted in a verdict of not guilty.

There were 25,073 traffic offenses during 1978 and 3,399 misdemeanor crimes filed in District Court. In Juvenile Court, 1,833 petitions were filed and \$32,658 in restitution was recovered for victims of juvenile crime. The Support Enforcement Division opened 578 new files in 1978, bringing the total active caseloads to 1,598.

Incidence of Training

Three deputy district attorneys were interviewed regarding their training at NCDA, as well as two assistant state attorneys general who were formerly in a district attorney's office in the same state. The deputy district attorneys have been in their position for three years, while the assistant attorneys general average a seven-year tenure in their present roles.

The NCDA trial techniques course was attended by all three deputies. This course was also attended by one of the assistant attorneys general who also participated in the NCDA course on Training for Trainers. The second attorney from this office attended two courses on Organized Crime. Both assistant AGs participated in the Career Prosecutor Course.

In addition to programs sponsored by NCDA, most of the prosecutors had attended an average of three courses within the past eight years sponsored by state and private organizations—the state bar, the state district attorneys associations, and the National Association of District Attorneys.

The State District Attorneys Association sponsors an annual Summer Institute for Prosecutors, a week-long training session for prosecutors and investigators. None of those interviewed, however, acknowledged attendance at this seminar. This association offers a scholarship which funds three people annually to the NCDA Career Prosecutor course and to other national private programs, but only senior deputies are eligible to apply. Each of the 36 DAs offices in the state handles its own training funds and must build this item within its budget.

The participants interviewed are quite committed to continuing education, as reflected by their frequent attendance at training sessions, their job responsibilities which involve development of training programs, and through their faculty positions at a variety of workshops.

Impact of Training

The attendants of the Career Prosecutors Course noted specific areas of impact which they felt were due to training received there. One prosecutor felt the principal benefit of the course was that it served as an invaluable bridge from theoretical concept to practical skills for the young prosecutors.

A second participant commented on the methods he learned to deal more effectively with insanity defenses. As a training director for the state's district attorneys, he utilizes the NCDA materials in designing his own programs. He also admits that he "got more out of that three weeks than any other training ever attended."

Those attorneys who participated in the NCDA Trial Techniques course listed several changes they made subsequent to their completion of the workshop. These include improvement of direct examination techniques, development of a trial notebook, use of scientific and demonstrative evidence, including visual displays, use of fingerprint analysis, and increased awareness of methods to handle insanity defenses. The general rating of the course by the four participants was good, with faculty and lectures rating high.

There were complaints, however, that a few faculty were "entertaining, but not informative," that more instructors from larger cities should be recruited, and that more discussion time was needed to balance the predominantly lecture format. One participant complained about the lack of documentation for attendance, observing that CLE credits were distributed to everyone, even to those who did not appear at many sessions.

The one attorney who attended the Organized Crime workshops felt that the greatest benefit of these courses is the development of contacts with district attorneys from other jurisdictions. The greatest impact of one of the courses, however, was his successful prosecution of a significant case in which he used civil remedies to prosecute corporate crime, a topic extensively discussed at this program.

His suggestion for improving the NCDA courses is the development of better publications that would serve as a "permanent reservoir" of information for attorneys in the future.

THE DEFENDER SYSTEM

Organization and Management

The Public Defender's Office in this city consists of a Public Defender and eight deputies who represent defendants only on the appellate level. The legislature has authorized each county in the state to create a Public Defender office on the trial-level, but this county has not chosen to do so. (There are sixteen Public Defenders in the state.) Instead, the court appoints attorneys to represent indigent clients.

The Public Defender is appointed by the Governor for a four-year term on the recommendation of a Public Defender Committee which consists of five persons appointed by the state Supreme Court. The office also consists of one chief deputy who oversees the other seven deputy public defenders, three law clerks, and ten clerical/secretarial staff persons.

Until July 1970, the office had only seven defenders, but the legislature increased the staff to nine at the request of the Public Defender's Office. They are permitted to

refuse cases when the Public Defender feels the caseload has become too heavy to permit additional clients. The defendants requesting aid, then, must rely on attorneys appointed by the court. The Office attempts to limit the caseload to 35 appeals per month per defender.

The Office is in the midst of a change regarding the appointment of private attorneys for temporary duty on specific cases, but the legislature must rule on this before it becomes effective. The chief deputy has assigned two deputies to guilty pleas only, and they are presently training law clerks to handle these in order to free the lawyers for trial work.

The office has a two-year budget for 1979-81 of \$1,118,706, with \$502,901 from the county and the rest allocated by the state.

Incidence of Training

The in-house training presently consists of on-the-job training for each new attorney who begins working on guilty pleas and cases of less serious nature under the supervision of the Public Defender and his chief deputy. They are presently preparing a training manual for a more structured in-house educational program. Many of the new defenders are former law clerks in the office who are familiar with the responsibilities and procedures of the office.

There are no state programs sponsored specifically for public defenders, but most of the defenders have attended several continuing legal education courses sponsored by the state bar in the area of criminal law. A state public defender association was created last year which plans to have annual meetings to include training programs for the participants.

Two of the defenders in the office attended the National College of Criminal Defense Lawyers and Public Defenders (NCCDLPD) two-day workshop on the Death Penalty given in the state last year. The defender's office is part of the state Judicial System, is not allocated much money, and therefore rarely sends staff to out-of-state training.

The chief deputy of the office feels that there are several areas of training needs for public defenders in the appellate court that should be addressed:

- *The role of appellate defenders as they work in conjunction with trial attorneys to raise issues at the trial level.*
- *How to recognize issues on appeal.*
- *Mechanics of handling criminal appeal procedures.*

Impact of Training

The one participant interviewed from the Public Defender's office had attended a two-day session on the Death Penalty sponsored by NCCDLPD. This course was requested by defense lawyers to acquaint legal personnel with the implications of a statute recently passed permitting the death penalty in the state for the first time in 14 years.

The participant, who had been a Public Defender for two years and in private practice previously for three years, had also attended other types of training in the area of criminal law, appellate practice and trial practice offered by the state bar and state trial lawyers association. He also publishes a newsletter for members of the Bar which summarizes the opinions of the Supreme Court on Criminal Cases during each month.

He felt the greatest impact of the NCCDLPD course was to create an awareness of the issues involved in representing a defendant in a death penalty case. He is using the materials he received from the conference as the basis for a file he is building in his office.

He lists as strengths of the course the conscientiousness of the faculty who prepared well despite the short notice received to participate in a "crash" course. The instructors who had actual experience trying these cases stressed the practical aspects.

The weakness of the course, he felt, was the overzealousness of the lead instructor who, in his passion for the issues discussed, asked the few prosecutors in the audience to leave, characterizing them as the "death squad" and "spies." This participant felt embarrassed by the remarks, which he feels create a lack of understanding between the two groups.

He also suggested that course materials be made available before the seminar begins, especially for such a short-term program.

INCIDENCE OF TRAINING IN EIGHT INSTITUTES

Role Group	Total Number At Site	Number Interviewed On Site	Number of Training Participants	Others Interviewed On Site	Mail Questionnaires Distributed
Appellate Judges	17	16	IJA-5 AJC-4 NJC-1	comparison-4 supervisor-2	
Trial Judges	11	11	NJC-10	comparison-0 supervisor-1	
Court Administrators	2	2	ICM-1	comparison-0 supervisor-1	
Prosecutors	16	3	NCDA-3		
Defenders	(appellate) 9	1	NCCDLPD-1		
Private Attorneys	NA	0			
Others	NA	7	NCDA-3 ICM-4		

SOURCES OF SUPREME COURT CASES FILED IN 1977 AND 1978

Source	1977	1978
Civil Appeals	445	17 ^a
Original Proceedings		
Ballot Title	7	4
Habeas Corpus	9	27
Mandamus	32	41
Other	4	2
Judicial Fitness	2	2
Bar Proceedings		
Contested Admission	2	3
Disciplinary	15	14
Reinstatement	5	6
Exam Review and Miscellaneous Motions	32	59
Court of Appeals Review Allowed	39	45
Tax Court Appeals	21	11
Total Appeals Filed	613	231

^aThese appeals were filed in circuit courts prior to January 1, 1978 but not received by the Supreme Court until after that date. Technically they are 1977 appeals, but statistically are counted as 1978 caseload.¹

¹ In 1978, 231 cases were filed, 472 cases terminated and 142 cases were pending.

SOURCES OF COURT OF APPEALS CASES FILED IN 1978

APPEALS FROM CIRCUIT AND DISTRICT COURTS¹

Judicial District	Circuit Court ¹		District Court ²			Total
	Civil	Criminal	Civil	Criminal	Traffic	
County	93	41	4	9	1	148

¹The court assumed jurisdiction of all circuit court civil appeals on January 1, 1978.

²The court assumed jurisdiction of district court appeals on January 1, 1977.

CIRCUIT COURTS 1978

	Judicial District	Civil	Dissolution	Criminal	Total	Backlog Increase (+) Decrease (-)
Cases filed	County	1,612	1,534	1,283	4,429	+411
Cases terminated		1,420	1,303	1,295	4,018	

DISTRICT COURTS

TOTAL CASES FILED AND TERMINATED—1978

	Judicial District	Traffic Infr.	Misd. and Viol. Off.	Felony Offences	Civil	Small Claims	Total	Backlog Increase (+) Decrease (-)
Filed	County	25,072	3,399	18	2,538	2,894	33,921	+212
Terminations	County	25,462	3,433	17	2,326	2,471	33,709	

MUNICIPAL COURTS

CASES FILED—1978 21,957

Major Traffic Offences 1,167
Minor Traffic Offences 19,591
Other Cases 1,199

CASES TERMINATED—1978 20,812

Cases tried 981
Major Traffic Offences 174
Minor Traffic Offences 633
Other Cases 174

Other Terminations 19,831

Major Traffic Offences 849
Minor Traffic Offences 17,930
Other Cases 1,052

CASES PENDING—12/31/78 4,037

Major Traffic Offences 443
Minor Traffic Offences 3,594
Other Cases 0

CASE STUDY NUMBER 11

SUMMARY OF FINDINGS

This report presents the findings of a study of the incidence and results of training among judges, prosecutors, defenders and nonjudicial personnel in a moderate size judicial system in the southeastern United States. The case study is based on a review of the structure and operations of the judicial system, the courts and related agencies, and on interviews with judges, prosecutors, defenders and administrative personnel. The following summary provides a brief description of the findings in Case Study Number 11.

MAJOR CHANGES AND TRENDS IN THE JURISDICTION

A state constitution revision in 1972 consolidated the court system, provided for uniform jurisdictions, and clearly defined administrative authority and responsibility. This revision also created new rules and procedures in criminal and civil law and designed a new judicial selection and retention system for the justices of the Supreme Court and the District Courts of Appeal.

INCIDENCE OF TRAINING IN THE JURISDICTION

There is a high incidence of training among the judges in the district appellate court. Five of the six judges presently on the bench have attended an LEAA-funded institution including IJA, NJC and AAJE. The three judges interviewed have attended several of these programs within the last five years. Both the Chief Judge and the senior judge, who supervises in his absence, encourage judges in this district to attend national and state training.

Although the judges interviewed as supervisors of trial judges were not especially enthusiastic about training, all of the judges interviewed had attended an LEAA-funded institute, in addition to state-supported and private programs. Of the 16 trial judges interviewed, only two have not attended a judicial education program at either NJC or AAJE. However, both attended an NCDA workshop relating to their previous professional roles. A total of 24 NJC courses and 10 AAJE courses were attended by the judges. They also attend quite regularly the various types of in-state training programs provided for judges.

The chief prosecutor and his first assistant encourage training for their prosecutors, as indicated by their in-house training program, internship projects, and a systematic method for selecting prosecutors to attend national training programs. The office regularly sends assistant prosecutors to NCDA, Northwestern University, Cornell Institute of Organized Crime, and the Juvenile Justice Conference. Of the six participants

interviewed, all had attended NCDA and four had experienced a NITA training program. In addition, three investigators from the prosecutor's office have participated in NCDA workshops.

The defender's office offers in-house courses to staff periodically and sends several defenders each year to a training program at NCCDLPD. While it supports training for the staff, the office is unable, because of a lack of funds, to increase participation in national training programs.

Exhibit 1 displays the numbers and roles of persons interviewed at this site, as well as the CTP institutes in which they have participated.

IMPACT OF TRAINING IN THE JURISDICTION

The Acting Chief Judge of the appellate court observed that participants in training programs return with renewed pride and enthusiasm in their work. He noted, more specifically, that the opinion writing of the judges had improved as a result of writing programs they had taken. He cited as a result of his own training experience the development of an internal operations manual for his court, and he noted that the use of computers in the appellate court system was encouraged by ideas generated at several judicial training programs. Individual appellate judges also mentioned specific improvements in procedures and skills as a result of training.

The impact of training on trial judges appeared most frequently in areas concerning procedures. The judges cited improvements in case management, sentencing and trial techniques which they attributed to training. Changes in personal skills were primarily in writing opinions. Computerization of records was identified as an organizational change.

The chief prosecutor and his first assistant noted that improvements in personnel policy and procedures were one result of the training programs offered by NCDA. In addition, they observed improvement in the attitudes of prosecutors, specifically in terms of their increased willingness to experiment with new approaches and strategies in their cases.

The defenders witnessed several improvements in their trial techniques as a result of training. Their supervisor observed an increase in their knowledge of substantive law, as well as increased pride and confidence stemming from the support of other training participants.

DESCRIPTION OF THE AREA

The case study city is located on the South Atlantic seaboard. In 1978, the population of the city was 65,800. The median household effective buying income was \$12,751. The three major industries of the area are sugar cane, aircraft engine manufacturing, and electronics.

COURT JURISDICTIONS

Trial Courts

A 1972 revision of the state constitution created a consolidated court system, uniform in jurisdiction, with simple geographic divisions and clearly defined administrative authority and responsibility. All trial jurisdiction was placed in the authority of two courts: the county court, which is the state's trial court of limited jurisdiction, and the circuit court, which has general jurisdiction. This two-tier structure replaced all justices of the peace, county judges, courts, county courts, magistrates courts, civil, criminal, and felony courts of record, small claims courts, and juvenile courts. The precise time of abolishing the metropolitan and municipal courts was left to the discretion of the local area, but was to be accomplished before January 1977.

There is a county court in each of the 67 counties with the county boundaries serving as territorial jurisdiction. There are 191 county court judges in the state, and nine are located in or near this case study city.

The county courts have original jurisdiction in all criminal misdemeanor cases not triable by circuit courts and all violations of municipal and county ordinances. In civil matters, county courts have original jurisdiction in all actions at law in which the matter in controversy does not exceed the sum of \$2,500 exclusive of interest and costs and which is not within the exclusive jurisdiction of the circuit courts. County court judges also serve as committing magistrates.

The circuit courts are the state's trial courts of general jurisdiction. The territorial jurisdiction of the 20 judicial circuits parallels county lines. There are presently 29 circuit court judges in the state, 16 of whom are located in this site city. A chief judge for each circuit is chosen from judges of the circuit, as provided by Supreme Court rules.

Circuit courts have exclusive original jurisdiction in all actions of the law in which the matter in controversy exceeds \$2,500 exclusive of interest and costs; of all proceedings related to the settlements of the estates of decedents and minors, guardianship, incompetency, and all other matters pertaining to probate; and of all cases relating to juveniles.

In criminal matters, the circuit court has original jurisdiction in all felonies and in all misdemeanors arising out of the same circumstances as a felony which is also charged. The circuit courts process cases involving the legality of any tax assessment or toll, in the action of ejectment, and in all actions involving the title or boundaries or rights of possession of real property.

In addition, circuit courts have jurisdiction of appeals from county courts except those which may be taken directly to the Supreme Court.

Appellate Courts

The State Supreme Court is the state's court of last resort. It has jurisdiction over civil and criminal appeals and petitions for writs of certiorari from the district courts

of appeals, circuit courts, county courts, agencies and commissions. The court reviews constitutional questions, capital cases in which the death penalty is imposed, bond validation, and cases of public interest. It issues writs in exercise of its proper jurisdiction.

The district courts of appeal are the state's intermediate appellate courts. There are four appellate districts, with a fifth to be created shortly. These courts have jurisdiction to hear appeals taken as a matter of right over all civil and criminal matters of circuit courts, agencies and commissions except in matters directly appealable to the Supreme Court. The courts may issue any writs necessary or proper to the complete exercise of their jurisdiction. They are also given the right to issue injunctions and the power of direct review of administrative action as prescribed by general law.

CRIME RATES, SYSTEM CHANGES, AND OTHER TRENDS

Five percent of the court's caseload is comprised of homicide, armed robbery and sex crimes. Theft and fraud account for more than 33 percent, drug cases 20 percent, assaults 16 percent and burglary cases 10 percent.

A recent survey of case processing in this state found that the average 92 days it takes for a case to be processed is somewhat longer than comparable courts in the state and nation. The survey by the National Center for State Courts collected data on trial scheduling in eight courts and found this district to rank sixth in the median days expended from the date the trial is scheduled to the date the trial begins.

Major systemic changes in the court system occurred after the revision of the state constitution in 1972. The revision unified the court system, delineating the administrative authority and responsibilities that are uniform in each jurisdiction. The reorganization was accompanied by new rules and procedures in criminal and civil law, as well as a new judicial selection and retention system for the Justices of the Supreme Court and the District Courts of Appeal. In the past year, the State Courts Administrator's office has developed new programs which have had an impact on the state bench and bar. Among those programs are a new in-state education and training program for appellate, circuit and county court judges, and clerks of the court. In addition, the office has developed a judicial information system and a jury management program, and has been conducting research on sentencing, plea bargaining and pre-sentence investigations. The office has also been working with the state's shorthand reporters association to improve court reporter services.

THE APPELLATE COURTS AND TRAINING

Organization

The court of last resort is the state Supreme Court which consists of seven justices. The Chief Justice is elected by a majority of the justices. Five justices must concur on a decision. The justices are appointed by the Governor upon recommendation

by the Judicial Nominating Commission. They serve six-year terms and at the end of that term must appear before voters in an uncontested election to be considered for retention. Justices of the Supreme Court receive an annual salary of \$43,200.

There are seven judges in each of the four appellate districts, with a chief judge for each district chosen by the majority of judges or by the Chief Justice if there is no majority. Three judges are required to sit on each case. Concurrence of two is necessary for a decision. The district appellate judges are appointed in the same manner as the state Supreme Court justices and also serve six-year terms. They receive an annual salary of \$41,000.

The State Courts Administrator is appointed by the Supreme Court. His office was created in 1972 to assist the Chief Justice in administrative duties of the court. He receives an annual salary of \$32,000 and has a staff of 20 professional and 12 clerical workers.

Management

The Chief Justice of the Supreme Court is the chief administrative officer of the state judicial system. A chief judge for each district court of appeals is responsible for the administrative supervision of the courts in his district.

The Office of the State Courts Administrator is responsible for judicial planning activities, state judicial information system development, judicial education and training activities, courts budgets, legislative liaison, courts personnel, compilation of courts statistics and specialized management research activities. During the last year, several new projects were undertaken by the office, including the procurement and administration of three LEAA grants and one National Highway Traffic Safety Administration grant which provide support for judicial education regionally and nationally; continuation of development of a statewide Judicial Information System — more specifically, a data facility (Justice Management Information Center) which processes court and Department of Corrections information; a sentencing research project which will focus on variations in judicial sentencing decisions and plea bargaining processes; a jury management study; a project on automated legal research; a citizen dispute settlement program; a court reporting improvement program; and an appellate justice project to demonstrate the causes of delay in appellate courts.

Caseload Information

The caseload of the Supreme Court is represented by the number of filings and dispositions of appeals, petitions for writs of certiorari, original proceedings and certified questions.

The caseload of the Supreme Court increased 71 percent between the years 1973 and 1978. During 1978, the Supreme Court received 2,740 filings and disposed of 2,499 cases.

The caseload of the District Courts of Appeal is represented by the number of filings and dispositions of appeals, writs of certiorari, original writs and other matters.

The caseload of the District Courts of Appeal increased between the years 1973 and 1978. During 1978, the District Courts of Appeal received 9,563 filings and disposed of 9,692 cases.

Incidence of Training

Of the six district appellate court judges on the bench, five had attended LEAA-funded training institutes. Five judges had attended IJA; four had participated in the AAJE writing seminar, and one had also gone to NJC.

Three judges interviewed have attended several training sessions within the last five years. Courses they took included those relevant to appellate courts as well as others that pertained to their previous roles within the legal system.

One judge attended six courses in the last five years. Among these were three LEAA-funded programs — IJA, NJC, and AAJE. A second attended five courses in the last five years, including IJA and AAJE. A third judge interviewed had attended NJC twice — once for the General Jurisdiction course and once for the course in Criminal Law and Sentencing.

Non-LEAA sponsored sessions attended by the judges included seminars held by the State Appellate Judges Association, the American Trial Lawyers Association, the state ABA, and the University Research Corporation. The latter was partially funded by LEAA.

Impact of Training

The Acting Chief Judge commended the State Appellate Judges seminar, which was held for the first time recently, observing that state training had improved as a result of LEAA funds. He believes that both state and national training are essential for judges.

He has noticed that training in general improved the work habits of judges in his courts by arousing enthusiasm and generating pride in their work. He also felt that the writing course enhanced the quality of opinions submitted by the judges.

The two participants of IJA remarked favorably on the small classes which promoted dialogue between the instructors and students. They rated all aspects of the program highly, and one of them strongly recommended a "graduate" course for past participants. One of the participants had called upon instructors of the course for technical assistance after the completion of the course and cites as a direct impact of the course his design of an internal operations manual for his court. Another judge felt that the course encouraged the utilization of a computer in the court system.

The AAJE course in writing for appellate judges, attended by two judges, was considered effective in improving the writing skills of the judges. One judge noted that his instructor in this writing course had more impact on him than any other professor in his entire educational career.

One participant in the NJC course cited several changes that resulted from attending the General Jurisdiction course in Reno. He noted improvements in his jury selection techniques, scheduling of cases, and in his demeanor toward litigants and attorneys. He felt that the informal discussion among participants was the most beneficial aspect of the program.

One judge who had attended the three-week NJC course felt that the program was unique in its focus on the responsibilities of trial judges. He had decided to enroll in the program because he had never been a trial judge and felt that he needed exposure to the problems that they had. His criticism of the NJC course was that the format was too rigid and inhibited class participation.

However, the majority of the changes that the judges observed in their personal and professional skills were attributed primarily to experience in their newly assumed role as appellate judges. Changes in procedures were often cited as the result of the new state Evidence Code and new law of appellate procedure that had been instituted within the last two years.

THE TRIAL COURTS AND TRAINING

Organization

Circuit judges are elected in nonpartisan elections for terms of six years. County judges are elected in nonpartisan elections for terms of four years. Vacancies are filled by a nominating commission which submits three names to the Governor, who makes the final decision. Circuit judges must have been members of the state bar for five years preceding their election, and county judges must be members of the bar unless they are in counties of less than 40,000.

The circuit judges receive an annual salary of \$38,900, and county court judges receive \$36,700, with the exception of the nonlawyer judges in counties of less than 40,000 who are not qualified to preside as circuit judges. They receive \$28,100.

Management

Within each circuit court, a chief judge is chosen from among the judges of the circuit, as provided by Supreme Court rule. The chief judge is given the administrative responsibility for the trial courts of that circuit. The chief may designate a judge in any court or court division of a circuit or county court as "administrative judge" to assist with the administrative supervision of the court or division. The administrative judge is responsible to the chief judge and has the power and duty to carry out responsibilities assigned to him by the chief judge. He serves at the pleasure of the chief judge.

There are 18 circuit court administrators (called executive assistants) who perform duties directed by the chief judge. Only two of the judicial circuits in the state do not employ one.

The circuit court clerks in each county also serve as county clerks in the roles of county recorder, finance officer, treasurer, county commissioner, etc. They are elected on a countywide partisan ballot for four-year terms.

The court clerks are also responsible for records management and personnel, and in most jurisdictions, for information systems, data processing, case scheduling and control, and jury management.

Caseload Information

Both the circuit and county courts have experienced significant increases in total filings. The circuit courts have seen an increase from 257,768 total filings in 1973 to 489,701 total filings in 1978, or a 90 percent increase during the six-year period. The county courts have also seen a dramatic increase over the six-year period, with cases increasing from 273,719 in 1973 to 444,319 in 1978. That represents a caseload rise of 62 percent.

Incidence of Training

The two judges interviewed as supervisors were not particularly supportive of training. These judges, a former administrative judge and a former chief judge of the circuit and county courts, supervise 25 judges, court administrators and clerical/secretarial staff. While they noted that approximately 80 percent of the circuit and county judges have attended the General Jurisdiction course at NJC, they question the value of such training when compared to the experience of learning on the job.

Sixteen trial judges were interviewed — 13 circuit court judges and three county court judges. Of the 16 judges interviewed regarding their training experiences, only two had not been participants in LEAA-funded training institutions. One of the participants is also a faculty member at NITA. The two judges interviewed as comparisons had not attended any judicial education programs but had attended an NCDA course within the last five years.

A total of 34 courses were attended by judges in the last eight years. Twenty-four were taken at NJC and 10 at AAJE. Of the ten judges who attended NJC, eight had taken the General Jurisdiction course. Among the short courses taken by the other participants were courses on Sentencing, Civil Litigation, Probate and Family Court, and Evidence. The five participants who had attended AAJE mentioned most frequently courses in Practicalities of Judging, Jury Trial Workshop, and Trial Judges Writing Program.

Non-LEAA sponsored programs attended by the judges include the state Circuit Judges Conference and the Conference of County Court Judges, a state university program for new judges, and state continuing legal education seminars.

The ten participants at NJC attended an average of two courses each over the last five years, with two persons attending four programs. The five participants at AAJE programs also attended an average of two conferences over the last five years.

Impact of Training

The former administrative judge interviewed as a supervisor and discussed previously, believes that judges should attend national training only once for orientation purposes, when they first come on the bench. He feels that trial lawyers are the greatest source of education for judges. He views training for nonjudicial personnel (e.g., court administrators, legal secretaries, bailiffs, etc.) as superfluous. He says he has observed no changes whatsoever among judges who have attended training programs.

The second judge interviewed as a supervisor, a former chief judge, is disenchanted with continuing legal education in general and prefers in-state to out-of-state training. He cited the State Circuit Judges Conference as an example of a good program which updates judges on new rules and procedures. He disapproves of national training, claiming that it is too theoretical and attracts those judges who really want to vacation. He did admit that the network created among the judges who attend national training is valuable.

Few judges noticed any significant changes within the past five years regarding their knowledge of the law, procedures, personal skills, use of resources, or priorities in their job. The major changes in knowledge of substantive law and shift in procedures were acknowledged most often as responses to the changes in state rules and procedures and to the rotation system used by the court (by which judges are rotated periodically between criminal and civil cases).

Several changes were attributed, however, to training received at CTP institutes. Improvement in writing skills was credited to the AAJE writing course. Other AAJE seminars were cited as a catalyst for attitudinal change regarding sentencing and for refinement of decision-making skills. Participants of NJC listed several areas of impact which were attributed to training, including improvement of case management, implementation of computerized records in the courts, use of alternate and improved sentencing procedures, and refinements in trial techniques.

The courses that received consistently high ratings include the General Jurisdiction course at NJC, which several judges said should be mandatory for all new judges, and the AAJE writing seminar, which was discussed previously.

All but two of the judges would like to return to the institute they attended previously. One judge who attended several NJC courses and one AAJE course would prefer to return to NJC because he believes its programs are superior to AAJE's.

THE PROSECUTOR SYSTEM

Organization

The State Attorney's Office is responsible for the prosecution of all crimes and offenses as defined by the State Penal Code and other state statutes. The office is headed by an elected State Attorney. Serving under him are 33 Assistant State Attorneys, 11 investigators and 45 management and clerical persons. The chief prosecutor

appoints a First Assistant, and each division is headed by a senior attorney who reports to the First Assistant.

There are several divisions within the office, including four felony divisions and two county divisions. There is one division in each of the following areas: career criminal, organized crime, economic crime, juvenile, intake, administrative, child support and medicare/medicaid fraud. The four felony divisions are supervised by an attorney who has the title of "Chief Felony Trial Attorney."

Management

The nonlaw management of the office is supervised by a business manager and is divided into several areas: personnel, financial, management information, and caseload sections. The budget for fiscal 1978-79 was \$1,700,000.

Incidence of Training

Those personnel of the State Attorney's office interviewed included assistant state attorneys, investigators and the business manager.

Nineteen assistant state attorneys were interviewed, ten as participants and nine as comparisons. The average number of years of professional experience of the participant groups was 3.7 and of the comparison group 4.4. Five of the participants and four of the comparisons had begun their careers with the State Attorney's office immediately upon graduating from law school. In the comparison group, two had spent an average of seven years in the Judge Advocate's Branch of the U.S. Army. In addition there was a training ladder which placed beginners in the county court and which eventually moved them into the felony court and later into specialized branches of prosecution, with supplemental training offered as needed.

The First Assistant State Attorney said that all of the assistants have had some form of training. He noted that every one of the assistants had been in an intern program through their law school prior to their being hired. New assistants attend the short course for prosecutors at Northwestern University, and selected prosecutors are sent to the Career Prosecutors Conference at the National College of District Attorneys (NCDA). He claims that everyone who had been in the office for five years has attended the NCDA program. Some attorneys are sent to the Juvenile Justice Conferences and others go to the Cornell Institute of Organized Crime, as well as to its special course on Drug Prosecution. One assistant each year attends the Executive Prosecutors course at NCDA. There are courses offered by the state which many of the assistants attend. One of the state universities has adapted the NITA program for in-state courses, and the state bar had conducted continuing education courses for prosecutors. In addition, there are in-house training sessions given monthly which all attorneys attend.

The assistants are also kept up-to-date through several publications: The *Legal Eagle*, designed to inform prosecutors and police of new decisions of appellate courts; the *Advisor*, a bi-monthly newsletter of the First Assistant, distributed to update assistants in special evidentiary problems; and the *Advance Sheets*, which summarize appellate decisions in all phases of the law.

Six of the ten participants interviewed had attended NCDA workshops. All had attended the specialized topic workshops of three to four days duration; none had participated in the Career Prosecutors course. Three had attended the Law and Evidence course; two had attended the course on Organized Crime; two had gone to the Crimes Against Persons course; one had attended a Sexual Investigation course; and one had participated in an Economic Crime seminar.

Four of the participants had gone to NITA programs. Of the four, one had taken a shortened version offered by a state university.

Many of the participants had attended in-state courses offered by the state bar association. Only one listed the short course for prosecutors offered by Northwestern University, despite the fact that the First Assistant had said that all assistants went to this course early in their career in the office. Two participants had attended Cornell University for a course in Prosecuting Organized Crime. The courses that were not attended at an LEAA-funded institution ranged in length from one to five days.

Nine assistant state attorneys were interviewed as comparisons. Only one member of this group had not been to any CLE program. Six had attended the Northwestern University Short Course for Prosecutors; two had twelve weeks of training in CLE through the Judge Advocate's Department; three had attended workshops sponsored by the National District Attorneys Association, and one had been enrolled in a workshop sponsored by the Association of Trial Lawyers of America. The Northwestern University program lasted five days; the others ran for approximately three days.

Three investigators were also interviewed. One had six years of experience, the second had seven years, and the senior person had 22 years of experience. The two younger investigators were college-educated, while the third was a high school graduate with one year of college education.

The senior investigator had attended an NCDA Prosecutor Investigation course for six days in 1978. A second investigator had gone to a five-day seminar given by NDCA, and the third had attended two courses in Organized Crime sponsored by NCDA, both for five days.

The business manager of the State Attorney's office had attended a short course at NCDA, an INSLAW program in New York, and one state-supported program.

Impact of Training

The State Attorney felt that national training programs and state seminars were responsible for significant changes in the substantive knowledge of the participants, especially in specialized areas such as economic crime. The First Assistant could not document significant change in substantive knowledge but he felt that the assistants returned with "great materials" that were reproduced and given to all prosecutors. He found that there was a significant change in their attitudes and demeanor; for example, they returned very motivated and willing to experiment with new approaches, particularly in the Career Criminal Division and the Juvenile area. He felt that the cross-fertilization of ideas gleaned from informal conversations with other participants was also

very helpful. Both supervisors cited the Career Prosecutor and Executive Programs at NCDA as sources of new rating procedures, personnel procedures, and office policies and forms. They also mentioned the Juvenile Justice Conference as a catalyst for implementing new procedures and forms.

Despite the fact that most persons in the comparison group had taken CLE courses, none attributed changes in substantive knowledge of law/courts, procedures, use of materials and resources, or priorities, to training.

Four of the ten participants attributed changes to training, with three of them listing NCDA as the catalyst for change and one citing NITA.

Seven of the assistant state attorneys who participated in LEAA-funded programs expressed a desire to return to the institution they had attended. Eight of the ten said that they attempted to make personal changes related to what they had learned, while seven of the ten commented that they did not attempt to make organizational changes as a result of their training;

Three who expressed no interest in returning to their institution had attended NITA. One felt that it would be too "metaphysical" to return for advanced trial advocacy, but he would go back for the teaching seminar because of hopes to teach criminal law. The second and third were disappointed with the NITA course, saying it was too elementary.

The fourth participant of NITA wanted to return to "hone his skills generally and to learn how to deal with hostile witnesses." Only one of the NITA respondents was completely negative, but he did feel that NITA was an institution to which he would recommend beginners.

The participants of NCDA cited several personal changes they had made as a result of training: development of improved juror selection, techniques for examining witnesses, improved understanding of scientific evidence, and increased confidence of personal skills. Other changes listed included development of overall case strategy, and better handling of motions to suppress.

All three of the investigators expressed a desire to return to NCDA, primarily for specialized courses in Prosecution, Public Corruption and Drug Smuggling. All three had attempted to make personal changes related to what they had learned at NCDA. One effected organizational changes for improvements in maintaining and handling intelligence files. The personal changes listed included improved press relations during pretrial, more thorough reports, and better organization of investigations.

One participant found one of the NCDA staff members to be offensively sexist and said she was made uncomfortable during the entire conference as a result. Another said that this program had been promoted as an advanced course, when in actuality it was not; he found that the instructors lacked sufficient practical experience and that the course was not directed toward investigators. Despite the negative comments, all admitted profiting from the experience.

The business manager who attended NCDA felt that he was better able to handle personnel matters as a result of his NCDA course. He rated NCDA low, however, based on his opinion of the lectures, which he felt were "terrible."

DEFENDER SYSTEM

Organization

Defense for indigent offenders is provided by the Public Defender's Office of this jurisdiction. There are 28 attorneys organized into six divisions: Felony Division, Capital Division, Appellate Division, County Division, Juvenile Division and Mental Health Division.

Management

The attorneys and twelve support staff members are directed by an elected Public Defender and the Chief Assistant. The Public Defender acts as an administrative officer, with no involvement in trial work. New attorneys are assigned to the Appellate Division, where they receive in-house training. They are eventually moved to the County Division to try misdemeanors and then to more specialized divisions to try circuit court cases.

The operating budget of the office for FY 1978 consisted of a state appropriation of \$807,490, with a supplemental county appropriation of \$156,100. Most of the budget, \$735,884, was used for staff salaries.

Caseload Information

During 1978 the office handled a total of 10,590 cases, including 1,999 noncapital felonies, 1,018 misdemeanors, 1,728 traffic misdemeanors, 17 capital felonies, 430 juvenile cases and 756 appeals.

Incidence of Training

Seventeen members of the defenders office were interviewed, including eight participants, six comparisons and three supervisors. Four participants are presently in private practice but were formerly associated with the Public Defender's Office.

The respondents had approximately three years of professional work experience in a law or court-related field. All interviewees were strongly supportive of training, having attended a total of 50 training sessions. The eight participants attended six sessions of Trial Practice I and three other programs sponsored by the National College of Criminal Defense Lawyers and Public Defenders. Other training sources included state CLE, the University of Denver Law Institute, Northwestern University, the American Trial Lawyers Association, and state bar seminars.

This jurisdiction is extremely supportive of legal training for defenders. The attorneys appear to take advantage of every seminar which is available within their funding limits. They attempt to send four participants to NCCDLPD each year.

Seven of ten felony division attorneys have attended the program. The only division with no participants at NCCDLPD was the Appellate Division; however, these are the most inexperienced attorneys, and their supervisor plans to have them attend sometime in the future. Most of the available training funds are utilized in the trial divisions for the more tenured attorneys.

The in-house training of the office utilizes the materials received from the Houston sessions. The training coordinator would like to purchase a videotape machine; however, he does feel that live training is more valuable. There was an attempt to have speakers, both in-house and guest, twice a month, but the office found it difficult to organize and to locate speakers, so the training seminars have become somewhat sporadic. The chief of training cited problems in getting attorneys to stay after work hours "just to hear a co-worker" speak on a topic. As with other jurisdictions, a need was expressed for more funds to increase training activities.

Impact of Training

Participants of NCCDLPD felt that the program was very applicable to the system's needs. The faculty was cited as a major strength of the college.

The respondents who are still public defenders would like to return to NCCDLPD. The private attorneys felt that it is no longer relevant to their needs as civil attorneys.

Personal and organizational changes were attempted by the participants. More effective communication and improved trial techniques resulted. The areas of opening and closing statements, cross-examination and general case organization were listed as those in which they witnessed improvement. The supervisors supported their comments, noting general improvement of trial skills, increases in substantive knowledge of the law, and greater motivation as a result of NCCDLPD training.

The most helpful aspect of the college training listed by several participants was the videotaped role-play, followed by constructive feedback. It was noted that the contact with other attorneys increases respect for the system and serves as a consciousness-raising experience regarding potential accomplishments of the defense lawyer. Negative comments related to the prohibitive cost, location and time constraints involved in a two-week seminar.

INCIDENCE OF TRAINING IN EIGHT INSTITUTES

Role Group	Total Number At Site	Number Interviewed On Site	Number of Training Participants	Others Interviewed On Site	Mail Questionnaire Distributed
Appellate Judges	7	4	NJC - 1 IJA - 2	Supervisor - Comparison - 0	AAJE - 1
Trial Judges	21	16	NJC - 9 AAJE - 3	Supervisor - 2 Comparison - 2	NJC - 1
Court Ad- ministrators	NA	1	0	Supervisor - 0 Comparison - 1	
Prosecutors	33	24	NCDA - 9 NITA - 4	Supervisor - 2 Comparison - 9	NCDA - 2 NCCDLPD - 1
Defenders	28	17	NCCDLPD - 8	Supervisor - 3 Comparison - 6	
Private Attorneys	NA	5	NCCDLPD - 4 NITA - 1	Supervisor - 0 Comparison - 0	NCCDLPD - 1 NJC - 1
Others	NA	0			

CASE STUDY NUMBER 12

CASE STUDY NUMBER 12

INTRODUCTION AND SUMMARY

This case study is intended to provide a context within which to judge the impact of LEAA-funded courts training upon members of various role groups within the criminal justice system. The documentation of impact is based on the perceptions of participants in the courts training program and the perceptions of individuals in similar roles who have not attended CTP institutes.

The setting for this case study is the capital of a populous midwestern industrial state. The site encompasses all levels of courts in the state system. A total of 83 interviews were conducted with participants, comparison group members, and third-party observers who are currently members of various professional role groups operating within the local justice system. Personal and organizational changes which are attributed to CTP training are overshadowed by two key factors in this jurisdiction:

- *A recent revision of the judicial article of the state constitution, which caused significant change in the court system; and*
- *A highly developed state judicial training organization and well-established in-state training program for other justice professionals.*

The following report of the perceptions of LEAA-funded courts training within each component of the judicial system represented by the participant sample is analyzed in terms of:

- *Incidence of CTP and other training participation;*
- *Incidence of personal and organizational changes perceived by respondents; and*
- *Incidence of personal and organizational change attributed totally or in part to LEAA-funded training programs.*

FINDINGS

Although the data from just one jurisdiction must be interpreted with caution in terms of the total national sample, several noteworthy findings surfaced at this site:

- *A significant number of individuals in all of the role groups reported making changes in the way they perform their work during the past five years.*

- *Among those having made personal changes, most feel that the changes have influenced their courts in some way, most notably by increasing efficiency.*
- *Some participants reported significant changes in their personal skills and knowledge, and these changes were attributed directly to CTP participation. Most, however, attributed changes to experience on the job.*

SETTING OF THE CASE STUDY

This case study focuses on the principal courts and related justice agencies of the state court system within the state capital. The state is the location of several highly diversified industries, principally steel mills, manufacturing, farming, mining, and computers. The case study site is a large metropolitan area with a population of approximately 540,000 in the immediate jurisdiction.

The present state constitution, adopted in the mid-1880s, established the state court structure that is essentially in effect today. However, there have been revisions to the original judicial article over the past ten years which have prompted major changes in the courts.

THE COURTS

The original judicial article which established the State Supreme Court, intermediate courts of appeal, county courts of common pleas (general jurisdiction), and lower county and municipal courts of limited jurisdiction also provided for other courts, inferior to the Supreme Court, to be established by law from time to time. Most of the original judicial article was revised and updated in 1968. Throughout the subsequent ten years, additional amendments were responsible for numerous organizational changes, most notably:

- *The court of general jurisdiction formed three divisions: probate, domestic relations, and juvenile.*
- *Counties, previously required to maintain separate courts of common pleas, combined into judicial districts with one judge from each county serving on the court.*
- *The Supreme Court was granted powers of superintendency over all state courts, thereby placing authority for administering the courts with the Supreme Court rather than with the legislature.*
- *The Supreme Court issued Rules of Superintendence for the lower courts which standardized procedures for handling trials, specified judicial and administrative duties of judges, established a single-case assignment system, and established an activity reporting system.*

The Supreme Court and all lower appellate and trial courts maintain administrative offices which direct the operations of the courts. Each of these offices coordinates with the administrative judge, the chief judge of each court, and eventually with the Administrative Office of the Supreme Court. The Administrative Office is the focal point of all administrative activities, including budgeting, compilation of statistics, etc.

The state also has a formally established judicial organization which acts on behalf of the judiciary in suggesting court improvements to the state legislature.

THE PROSECUTORS

The Office of the State Attorney General is an integral part of the state's justice system. As the highest level law enforcement agency in the state, this office issues legal opinions which refine state law and serves as legal counsel for the state government agencies. The Attorney General's Office is also responsible for issuing opinions requested by county prosecutors.

There are approximately 200 assistant attorneys general who are assigned to teams or units which reflect the organization of state government (e.g., Administrative Agencies Section, Taxation Section, etc.). The AG's office has not experienced significant change during the past five years, either in its responsibilities or its structure. But the nature of its work, particularly with respect to developing legislation to refine state laws, has made it a principal change agent in the state's justice system. This office was directly involved in the revision of the judicial article and has played a role in a number of the changes within the judicial system over the last five years. The Attorney General personally serves on several legislative committees which directly influence the justice system.

Throughout the state, the prosecution system is organized on both the county and municipal level. The county and city prosecutors are elected officials. This case study focuses on the county prosecutor's office because no city prosecutors were identified as participants by CTP institutes and because county prosecutors have a broader perspective of the system by virtue of working in all courts in the jurisdiction.

The county prosecutor is a full-time official, as are the 37 permanent assistant prosecutors on the staff. The office is organized into units of attorneys, each handling cases of a particular court. The office staff also includes investigators, law students who conduct research, and clerical/support personnel.

The most notable changes in the prosecutor's office in the past five years has been the formation of units of attorneys to handle specialized types of cases (e.g., sex offenses, child abuse, repeat offenders, etc.).

THE DEFENDERS

Public defender services throughout the state are organized on a county basis with supervision and coordination from a state level public defenders commission. This governing body establishes rules of conduct for county public defenders, creates offices to handle post-conviction and mental health defense services, provides technical assistance

to county defense services and assigned counsel systems, and appoints a state public defender. A county public defender commission is subsequently responsible for appointing a county public defender and for providing oversight of the county's public defense services.

At this case study site, the county public defender's office was originally part of a federally funded grant project to provide indigent defense services. In 1977, the office was established on a permanent basis as a part of the county government. This action represents the most notable change in defense services in the county during the past five years. There are currently 32 full-time public defenders handling cases in all of the county and appellate courts.

In addition to the county public defender system, defense services are provided to the indigent by private attorneys appointed by the courts. The court-appointed attorney system is governed by the rules of superintendency of the State Supreme Court and is administered by each court utilizing it.

In conjunction with these defender services, there is a statewide, non-profit public defenders association organized to upgrade defense activities. To this end, the organization proposes legislation, develops guidelines for case handling, develops standards to be followed by county public defenders, and provides training. The association receives federal financial support, through the state.

IN-STATE TRAINING

A keen interest in continuing education and training characterizes the court system at this case study site. Both the judiciary and the defenders have formal organizations which provide educational services. The county prosecutor's office makes in-state and some out-of-state training opportunities available to its staff. With few exceptions, these programs reach all members of the court system.

There is a state judicial college, federally funded, which provides numerous continuing education and training services to the state's judiciary. Principally, it provides formal courses for trial judges, assistance to local judicial associations which wish to develop educational programs, and self-instructional materials to state judges. Most members of the judiciary attend at least one educational event annually.

The state public defender association provides education and training programs to public defenders and court-appointed counsel throughout the state. In addition to formal training, the association offers technical assistance to county defender's offices in developing educational programs, works cooperatively with local bar associations, and is currently working with defender training programs in neighboring states to establish cooperative training programs.

All courts at the site and all related agencies studied have provisions in their budgets for in-state training. In addition, each has established procedures for selecting staff to attend national or out-of-state training programs. However, travel funds are available only on a limited basis. In some cases, each individual request for out-of-

state travel must be approved by a state board. This practice has a negative influence on the incidence of CTP participation and all out-of-state training for most role groups.

RESPONDENT PROFILE

Data collection at this site was performed by a three-person team working in the jurisdiction over the course of five days. Because the study site was the state capital, the list of individuals identified as having attended CTP institutes included Supreme Court justices, intermediate appellate court judges, county and municipal court trial judges, court administrators and clerks from each court, members of the Attorney General's staff, county prosecutors, county public defenders, and attorneys in private practice. The study population includes only those still working in the jurisdiction.

A sample of former CTP participants was randomly selected from this population for on-site interviews. A corresponding group of individuals who had not attended CTP institutes was selected for interviews as comparisons. Additionally, several court-related individuals (third-party) were interviewed to corroborate statements of participants and comparisons. This latter group included peers and supervisors of participants, judicial educators, and private attorneys.

All former CTP participants who were not interviewed at the site were sent mail questionnaires in order to ascertain their perceptions of training. These responses will be included in the nationwide assessment.

In all, 88 persons were selected for interviews: 30 participants, 46 comparisons, and 12 third-party observers. Five individuals were not available for interviews. Thus, the final interview sample included 83 respondents. This sample is further described in *Exhibit 1*.

ASSESSMENT OF TRAINING

CHANGES IN THE COURTS

The assessment of training focuses on perceptions of change in the justice system and in personal performance of the job, especially when such changes can be traced directly to the training experience.

With few exceptions, the members of the judiciary acknowledged that significant changes had taken place in the court system in the past five years. These changes were characterized by the Supreme Court and appellate judiciary as "major" and as "marked improvements." Most of the changes cited concerned structure of the courts and procedural improvements.

In contrast to an almost unanimous acknowledgement of change by judges, prosecutors and defenders displayed less consensus on the issue of significant change. For the most part, they characterized the change as "some" and "not really significant."

When queried about the cause of changes, respondents often cited the former Chief Justice of the Supreme Court, who was described as "a real mover."

Systemic changes were not, for the most part, attributed to CTP or other types of training.

CHANGES IN INDIVIDUALS

Appellate Judges

Exhibit 2 displays the frequency of personal change reported by participant and comparison appellate judges.

Changes in:	Exhibit 2			
	Participants		Comparison Group	
	Yes	No	Yes	No
Knowledge	4	0	3	1
Procedures	4	1	2	2
Skills	2	3	3	1
Use of Resources	4	1	2	2
Priorities	3	2	1	3

In most measured areas of personal change, the majority of participants reported significant change over the past five years. For the most part, these changes were attributed to experience and to necessity created by changes in the organization. In the comparison group, change that was noted was attributed to experience.

Both participant and comparison group respondents indicated that the personal changes they have made have directly influenced their court in some way. Participants perceive that their greatest influence has been in improving efficiency, particularly with respect to case flow and time required for decision-making. Members of the comparison group reported that their personal changes have affected not only the court's efficiency but also the quality of justice. Frequently judges cited "better written decisions" as their influence on the quality of justice.

Trial Judges

Exhibit 3 displays the incidence of personal change cited by trial judges in both the general and limited jurisdiction trial courts over the past five years.

Exhibit 3				
Changes in:	Participants		Comparison Group	
	Yes	No	Yes	No
Knowledge	7	1	8	0
Procedures	6	2	3	4
Skills	6	2	7	1
Use of Resources	5	3	7	1
Priorities	1	7	4	4

Participants indicated a significant incidence of change in all areas except priorities. A number of judges reported that the priorities of their job are out of their control because they are determined by the court and the workload. As for changes in knowledge, three of the seven participants reporting a change attributed it directly to CTP training at NJC and AAJE. One participant said his personal skills were improved as the result of attending NJC and in-state training programs. However, the majority of trial judges attributed personal changes to experience.

Prosecutors

The prosecutor group includes both county prosecutors and members of the attorney general's staff. *Exhibit 4* depicts their responses to the "personal change" questions.

Exhibit 4				
Changes in:	Participants		Comparison Group	
	Yes	No	Yes	No
Knowledge	4	1	15	3
Procedures	5	0	9	9
Skills	4	1	15	3
Use of Resources	5	0	13	5
Priorities	3	2	8	10

With few exceptions, prosecutors, both in the participant and comparison groups, report having made significant changes in the areas of knowledge, procedures, skills and use of resources over the past five years. For example, several prosecutors cited improved skills in jury selection and presentation of arguments to juries. Most of these changes were attributed to experience, but one prosecutor said his new approach to jury selection was due to techniques learned at NCDA.

All participants perceived that their personal changes had influenced the court in some way, primarily in terms of the quality of justice. In contrast, 44 percent of the comparison group perceived that they had influenced the court.

Defenders

The most frequently cited areas of personal change among defender participants were knowledge and skills. These changes were, for the most part, directly attributed to CTP participation, namely at NCCDLPD. Nevertheless, the most-often cited reason for all changes is experience, and the incidence of reported change is not markedly different among participants than among the comparison group. *Exhibit 5* shows the responses of the defenders, including both public defenders and court-appointed counsel.

Exhibit 5				
Changes in:	Participants		Comparison Group	
	Yes	No	Yes	No
Knowledge	7	1	5	6
Procedures	1	7	9	2
Skills	7	1	8	3
Use of Resources	5	3	5	6
Priorities	4	4	6	5

Perceptions of personal influence on the courts are extremely high among defenders. Eighty-eight percent of the participant group and 64 percent of the comparison group feel that they have influenced the court, essentially in improving the quality of justice.

INCIDENCE OF TRAINING IN EIGHT INSTITUTES

Role Group	Total Number At Site	Number Interviewed On Site	Number of Training Participants	Others Interviewed On Site	Mail Questionnaires Distributed
Appellate Judges	12	10	AJC-1 IJA-2 NJC-1 AAJE-1	Comparison-4 Supervisor-1	IJA-2 NJC-1
Trial Judges	30	18	NJC-5 AAJE-2 ICM-1	Comparison-8 Supervisor-2	NJC-4 AAJE-2
Court Ad- ministrators	8	6	ICM-3	Comparison-2 Supervisor-1	ICM-3
Prosecutors	37	25	NCDA-3 NCCDLPD-1 NITA-1	Comparison-18 Supervisor-2	NCDA-1 NCCDLPD-1
Defenders	32	12	NCCDLPD-3 NCDA-1	Comparison-7 Supervisor-1	NCCDLPD-8
Private Attorneys	NA	8	NCCDLPD-4	Comparison-4 Supervisor-0	NITA-3 NCCDLPD-1
Others	NA	4	NCDA-1	Information-3	ICM-1

APPENDIX B
SURVEY INSTRUMENTS

0	8																		
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1-13

PARTICIPANT INTERVIEW

A. EMPLOYMENT HISTORY

1. Current Position _____ 14-15
 Employer _____
 How long? (in years) _____ 16-17
 Current Annual Salary \$ _____ 18-22
2. Previous Position _____ 23-24
 Employer _____
 How long? (in years) _____ 25-26
 Final Annual Salary \$ _____ 27-31
3. Previous Position _____ 32-33
 Employer _____
 How long? (in years) _____ 34-35
 Final Annual Salary \$ _____ 36-40
4. How many years of professional work experience have you had? 41-42
 Law/Courts related? 43-44
5. How many hours per week do you work at your job? 45-46

B. PERSONAL INFORMATION

6. Sex (check one) 1 ☐ Male 47
 2 ☐ Female
7. Racial/Ethnic Identification (check one)
 1. ☐ -American Indian/Alaskan Native 48
 2. ☐ -Asian/Pacific Islander
 3. ☐ -Black, Not Hispanic
 4. ☐ -Hispanic
 5. ☐ -White, Not Hispanic
8. Highest Educational Degree _____ 49
 Year 19 50-51
 _____ 52
 _____ 53

G.C. _____

C. ASSESSMENT OF CHANGES

9. Have you noticed any significant changes in the court system in which you have worked over the past five years? (Check one)

1 Yes ☐ 2 No ☐

Comment:

10. Have you noticed any significant changes in your perspective of your professional role and responsibilities over the past five years as it relates to:

a. Your substantive knowledge of the law/courts?

1 Yes ☐ 2 No ☐ → (Skip to Question 10b)



In what areas? _____

What was the major source or cause of this change? (Check one)

1. ☐ Experience on the job
2. ☐ Reading
3. ☐ Training Where? _____
(Institute/School)
4. ☐ Advice from colleagues
- ☐ Other _____

54

55

☐ ☐
56-57

58-59

☐
60

Q.C. _____

b. Significant changes in procedures you use?

1 Yes ☐ 2 No ☐ → (Skip to Question 10c)

What kind of change? _____

What was the major source or cause of this change? (Check one)

1. ☐ Experience on the job
2. ☐ Reading
3. ☐ Training Where? _____
(Institute/School)
4. ☐ Advice from colleagues
- ☐ Other _____

c. Significant changes in your personal skills?

1 Yes ☐ 2 No ☐ → (Skip to Question 10d)

What kind of change? _____

What was the major source or cause of this change? (Check one)

1. ☐ Experience on the job
2. ☐ Reading
3. ☐ Training Where? _____
(Institute/School)
4. ☐ Advice from colleagues
- ☐ Other _____

61

☐ ☐
62-63

64-65

☐
66

67

☐ ☐
68-69

70-71

☐
72

Q.C. _____

d. Significant changes in your use of resources (materials, persons, etc.)?

1 Yes ☐ 2 No ☐ → (Skip to Question 10e)



Which resources? _____

What was the major source or cause of this change? (Check one)

1. ☐ Experience on the job
2. ☐ Reading
3. ☐ Training Where? _____
(Institute/School)
4. ☐ Advice from colleagues
- ☐ Other _____

e. Significant changes in the priorities you assign to your functions in your current job?

1 Yes ☐ 2 No ☐ → (Skip to Question 11)



Please describe the changes in priorities _____

What was the major source or cause of this change? (Check one)

1. ☐ Experience on the job
2. ☐ Reading
3. ☐ Training Where? _____
(Institute/School)
4. ☐ Advice from colleagues
- ☐ Other _____

73

☐ ☐
74-75

76-77

☐
78

☐
80

1-13
(Duplicate)
14

☐ ☐
15-16

17

☐
18

Q.C. _____

11. Have any of these personal changes influenced the way in which the court (and its related agencies) operates in your jurisdiction? (Check one)

1 ☐ Yes

2 ☐ No → (Skip to Question 12)

3 ☐ Don't know → (Skip to Question 12)



How? (Check all that apply)

1. ☐ Improved the quality of justice
 2. ☐ Lessened the quality of justice
 3. ☐ Increased efficiency
 4. ☐ Decreased efficiency

D. TRAINING HISTORY

12. Please list the training sessions you have attended which were directly related to the courts. (Begin with the most recent)

YEAR	COURSE	SPONSOR/INSTITUTE	DURATION (DAYS)
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

☐ 24-29

☐ 30-35

☐ 36-41

☐ 42-47

☐ 48-53

☐ 54-59

☐ 60-65

☐ 66-71

☐ 72-77

☒ 78-83

84-89

1-13

(duplicate)

☐ 14-19

☐ 20-21

☐ 22-23

☐ 24

25

O.C. _____

E. ASSESSMENT OF MOST RECENT TRAINING COURSE

Please assess training process provided by _____ in terms of its

(please fill in)

strengths and weaknesses. In your view, based on the most recent course taken at that institute:

(Please circle the appropriate number)

13. To what extent was the course applicable to the needs of the organization/system that sent you?	Not at all	Some what	Adequate	Very Much	Fully
	1	2	3	4	5

25

b. Further observations:

14. To what extent:

(Please circle the appropriate number)

	Not at All	With Reservations	Neutral	Fairly Willing	Extremely Interested
a. Did you want to attend training?	1	2	3	4	5
b. Was the training encouraged by the organization/system for which you work?	Hostile to the idea 1	Dis-couraging 2	Neutral 3	Very encouraging 4	It was mandatory 5

26

27

c. Further observations:

a.c. _____

15. With regard to the general design of the course, to what degree:

(Please circle the appropriate number)

	Not at All	Some- what	Fairly Well	Very Much	Thoroughly	
a. Was training based on the general needs of your profession?	1	2	3	4	5	28
b. Were your individual training needs taken into consideration during the course?	1	2	3	4	5	29
c. Were expected outcomes presented to you at the start of the course?	1	2	3	4	5	30
d. Were the learning objectives clear and succinct?	1	2	3	4	5	31
e. Was the achievement of the learning objectives something that could actually be demonstrated?	1	2	3	4	5	32
f. Did the training itself provide the opportunities to practice what you were taught?	1	2	3	4	5	33
g. Were you kept informed of your progress?	1	2	3	4	5	34
h. Did the training objectives, activities, and materials appear to fit together?	1	2	3	4	5	35
i. Did the instructor or other participants provide you with feedback on your performance that was useful to you?	1	2	3	4	5	36
j. Were you given the opportunity to provide input to the faculty during the course?	1	2	3	4	5	37

k. Further observations:

Q.C.

16. While individual instructors may vary, what did you think of the faculty in general with respect to:

(Please circle the appropriate number)					
	Totally Unknow- ledgeable	Minimally Knowledge- able	Adequate	Quite Know- ledgeable	Expert
a. The degree of their substantive knowledge of the law/courts?	1	2	3	4	5
b. The extensiveness of their practical experience in the topic area?	1	2	3	4	5
c. Their teaching ability?	1	2	3	4	5

38

39

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d. Further observations:

(Please circle the appropriate number)					
	Not at all	Once or twice	Periodically	Often	Continually
17. How often have you called upon the staff/instructors since training for followup technical assistance to yourself and/or your jurisdiction?	1	2	3	4	5

41

Further observations:

Q.C.

19. With regard to the training setting:

	(check one)		
	Yes	No	
a. Was the group of participants made up of people with similar professional roles and experience?	1 ☐	2 ☐	57
b. Was the number of participants in a class small enough to allow individual attention from the instructor?	1 ☐	2 ☐	58
c. Was the course long enough to allow you to meet the learning objectives?	1 ☐	2 ☐	59
d. Was there an effective match between your role/needs and the instructor's areas of expertise?	1 ☐	2 ☐	60
e. Were instructors available to you outside class?	1 ☐	2 ☐	61
f. Was the total number of contact hours you had with instructors adequate?	1 ☐	2 ☐	62
g. Were the training support services (e.g., copying, handouts, chalk board, graphics, etc.) adequate?	1 ☐	2 ☐	63
h. Were the physical accommodations (e.g., classrooms, refreshments, seminar rooms, lodgings) adequate?	1 ☐	2 ☐	64

i. Further observations:

a.c. _____

20. In your experience, to what extent were the following methods used?

(Please circle the appropriate number)

	Not at all	Some (Less than 25%)	Often (25 - 50%)	Most of the time (Greater than 50% but not 100%)	Solely (100%)
a. Lectures	1	2	3	4	5
b. Discussion Groups (of attendees)	1	2	3	4	5
c. Panel Discussions	1	2	3	4	5
d. Role-playing or simulation	1	2	3	4	5
e. Other: (specify) _____ _____	1	2	3	4	5

21. Which aspect of the course did you find most helpful?

(check one)

- 1 ☐ Lectures
- 2 ☐ Discussion Groups
- 3 ☐ Handout Materials, Text
- 4 ☐ Simulation or Role-playing
- 5 ☐ Question and Answer Periods After Lecture
- 6 ☐ Informal Conversations with Other Participants

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Q.C.

22. How would you assess the general quality of training—its strengths and weaknesses—provided by:

(please fill in)

F. ASSESSMENT OF OTHER TRAINING COURSES, IF APPLICABLE

Please assess training process provided by _____ in terms of its
(please fill in)
strengths and weaknesses. In your view, based on the most recent course taken at that institute:

(Please circle the appropriate number)

13. To what extent was the course applicable to the needs of the organization/system that sent you?	Not at All	Some-what	Adequate	Very Much	Fully
	1	2	3	4	5

b. Further observations:

14. To what extent:

(Please circle the appropriate number)

	Not at All	With Reservations	Neutral	Fairly Willing	Extremely Interested
a. Did you want to attend training?	1	2	3	4	5
b. Was the training encouraged by the organization/system for which you work?	Hostile to the idea 1	Dis-couraging 2	Neutral 3	Very encouraging 4	It was mandatory 5

c. Further observations:

Q.C. _____

18. With regard to the general design of the course, to what degree:

(Please circle the appropriate number)

	Not at all	Some- what	Fairly Well	Very Much	Thoroughly
a. Was training based on the general needs of your profession?	1	2	3	4	5
b. Were your individual training needs taken into consideration during the course?	1	2	3	4	5
c. Were expected outcomes presented to you at the start of the course?	1	2	3	4	5
d. Were the learning objectives clear and succinct?	1	2	3	4	5
e. Was the achievement of the learning objectives something that could actually be demonstrated?	1	2	3	4	5
f. Did the training itself provide the opportunities to practice what you were taught?	1	2	3	4	5
g. Were you kept informed of your progress?	1	2	3	4	5
h. Did the training objectives, activities, and materials appear to fit together?	1	2	3	4	5
i. Did the instructor or other participants provide you with feedback on your performance that was useful to you?	1	2	3	4	5
j. Were you given the opportunity to provide input to the faculty during the course?	1	2	3	4	5

k. Further observations:

16. While individual instructors may vary, what did you think of the faculty in general with respect to:

(Please circle the appropriate number)

	Totally Unknow- ledgeable	Minimally Knowledg- eable	Adequate	Quite Know- ledgeable	Expert
a. The degree of their substantive knowledge of the law/courts?	1	2	3	4	5
b. The extensiveness of their practical experience in the topic area?	1	2	3	4	5
c. Their teaching ability?	1	2	3	4	5

38

39

40

d. Further observations:

(Please circle the appropriate number)

	Not at All	Once or Twice	Periodically	Often	Continually
17. How often have you called upon the staff/instructors since training for followup technical assistance to yourself and/or your jurisdiction?	1	2	3	4	5

41

Further observations:

18. Do you:

(check one)		
a. Wish to return to the institute for more sessions in the future?	1 ☐ Yes 2 ☐ No	Why?
b. Attempt to make personal changes related to what you learned at the institute?	1 ☐ Yes 2 ☐ No	If so, please give examples
c. Attempt to make changes in your organization that were spurred by what you learned at the institute?	1 ☐ Yes 2 ☐ No	If so, please give examples
d. Share institute materials to assist others?	1 ☐ Yes 2 ☐ No	If so, which materials and for whom?
e. Recommend the institute to others?	1 ☐ Yes 2 ☐ No	If so, how and to whom? If not, why?

42

☐ ☐

43-44

45

☐ ☐

46-47

48

☐ ☐

49-50

51

☐ ☐

52-53

54

☐ ☐

55-56

Q.C. _____

19. With regard to the training setting:

	(check one)		
	Yes	No	
a. Was the group of participants made up of people with similar professional roles and experience?	1 ☐	2 ☐	57
b. Was the number of participants in a class small enough to allow individual attention from the instructor?	1 ☐	2 ☐	58
c. Was the course long enough to allow you to meet the learning objectives?	1 ☐	2 ☐	59
d. Was there an effective match between your role/needs and the instructor's areas of expertise?	1 ☐	2 ☐	60
e. Were instructors available to you outside class?	1 ☐	2 ☐	61
f. Was the total number of contact hours you had with instructors adequate?	1 ☐	2 ☐	62
g. Were the training support services (e.g., copying, handouts, chalk board, graphics, etc.) adequate?	1 ☐	2 ☐	63
h. Were the physical accommodations (e.g., classrooms, refreshments, seminar rooms, lodgings) adequate?	1 ☐	2 ☐	64

i. Further observations:

Q.C.

20. In your experience, to what extent were the following methods used?

(Please circle the appropriate number)

	Not at all	Some (Less than 25%)	Often (25 - 50%)	Most of the time (Greater than 50% but not 100%)	Solely (100%)
a. Lectures	1	2	3	4	5
b. Discussion Groups (of attendees)	1	2	3	4	5
c. Panel Discussions	1	2	3	4	5
d. Role-playing or simulation	1	2	3	4	5
e. Other: (specify) _____ _____	1	2	3	4	5

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21. Which aspect of the course did you find most helpful?

70

(check one)

- 1 ☐ Lectures
- 2 ☐ Discussion Groups
- 3 ☐ Handout Materials, Text
- 4 ☐ Simulation or Role-playing
- 5 ☐ Question and Answer Periods After Lecture
- 6 ☐ Informal Conversations with Other Participants

3
80
Q.C.

22. How would you assess the general quality of training—its strengths and weaknesses—provided by:

(please fill in)

[illegible]

1-13

A. EMPLOYMENT HISTORY

- | | | | | |
|----|--|----------------------|----------------------|-------|
| 1. | Current Position | _____ | <input type="text"/> | 14-18 |
| | Employer | _____ | | |
| | How long? (in years) | | <input type="text"/> | 16-17 |
| | Current Annual Salary | | <input type="text"/> | 18-22 |
| 2. | Previous Position | _____ | <input type="text"/> | 23-24 |
| | Employer | _____ | | |
| | How long? (in years) | | <input type="text"/> | 25-26 |
| | Final Annual Salary | | <input type="text"/> | 27-31 |
| 3. | Previous Position | _____ | <input type="text"/> | 32-33 |
| | Employer | _____ | | |
| | How long? (in years) | | <input type="text"/> | 34-35 |
| | Final Annual Salary | | <input type="text"/> | 36-40 |
| 4. | How many years of professional work experience have you had? | <input type="text"/> | | 41-42 |
| | Law/Courts related? | <input type="text"/> | | 43-44 |
| 5. | How many hours per week do you work at your job? | <input type="text"/> | | 45-46 |

[illegible]

7. Racial/Ethnic Identification (check one)
1. ☐ -American Indian/Alaskan Native
2. ☐ -Asian/Pacific Islander
3. ☐ -Black, Not Hispanic
4. ☐ -Hispanic
5. ☐ -White, Not Hispanic
8. Highest Educational Degree _____
- Year 19

49

50-51

52

53

Q.C. _____

C. ASSESSMENT OF CHANGES

9. Have you noticed any significant changes in the court system in which you have worked over the past five years? (Check one)

1 Yes ☐ 2 No ☐

Comment:

10. Have you noticed any significant changes in your perspective of your professional role and responsibilities over the past five years as it relates to:

a. Your substantive knowledge of the law/courts?

1 Yes ☐ 2 No ☐ → (Skip to Question 10b)



In what areas? _____

What was the major source or cause of this change? (Check one)

1. ☐ Experience on the job

2. ☐ Reading

3. ☐ Training Where? _____
(Institute/School)

4. ☐ Advice from colleagues

— ☐ Other _____

54

55

☐ ☐
56-57

58-59

☐
60

a.c. _____

b. Significant changes in procedures you use?

1 Yes ☐ 2 No ☐ → (Skip to Question 10c)

What kind of change? _____

What was the major source or cause of this change? (Check one)

1. ☐ Experience on the job
2. ☐ Reading
3. ☐ Training Where? _____
(Institute/School)
4. ☐ Advice from colleagues
- ☐ Other _____

c. Significant changes in your personal skills?

1 Yes ☐ 2 No ☐ → (Skip to Question 10d)

What kind of change? _____

What was the major source or cause of this change? (Check one)

1. ☐ Experience on the job
2. ☐ Reading
3. ☐ Training Where? _____
(Institute/School)
4. ☐ Advice from colleagues
- ☐ Other _____

61

☐ ☐
62-63

☐
64-65 66

67

☐ ☐
68-69

☐
70-71 72

Q.C. _____

d. Significant changes in your use of resources (materials, persons, etc.)?

1 Yes ☐ 2 No ☐ → (Skip to Question 10e)

Which resources? _____

What was the major source or cause of this change? (Check one)

1. ☐ Experience on the job
2. ☐ Reading
3. ☐ Training Where? _____
(Institute/School)
4. ☐ Advice from colleagues
- ☐ Other _____

e. Significant changes in the priorities you assign to your functions in your current job?

1 Yes ☐ 2 No ☐ → (Skip to Question 11)

Please describe the changes in priorities _____

What was the major source or cause of this change? (Check one)

1. ☐ Experience on the job
2. ☐ Reading
3. ☐ Training Where? _____
(Institute/School)
4. ☐ Advice from colleagues
- ☐ Other _____

73

☐ ☐
 74-75
76-77 ☐ 78
☐
 80
 1-13
 (Duplicate)
 14

☐ ☐
 15-16
17 ☐ 18

Q.C. _____

11. Have any of these personal changes influenced the way in which the court (and its related agencies) operates in your jurisdiction? (Check one)

1 ☐ Yes

2 ☐ No → (Skip to Question 12)

3 ☐ Don't know → (Skip to Question 12)



How? (Check all that apply)

1. ☐ Improved the quality of justice
 2. ☐ Lessened the quality of justice
 3. ☐ Increased efficiency
 4. ☐ Decreased efficiency

D. TRAINING HISTORY

12. Please list the training sessions you have attended which were directly related to the courts. (Begin with the most recent)

YEAR	COURSE	SPONSOR/INSTITUTE	DURATION (DAYS)
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

19

20-23

☐ 24-29

☐ 30-35

☐ 36-41

☐ 42-47

☐ 48-53

☐ 54-59

☐ 60-65

☐ 66-71

☐ 72-77

☒ 80

1-13
(duplicate)

☐ 14-19

☐ 20-21 ☐ 22-23

☐ 24

☐ 80

Q.C. _____

McM/GRC-CTP-11

--	--	--	--	--	--

(1-8)

SUPERVISOR/PEER INTERVIEW

TITLE: _____
RELATIONSHIP TO PARTICIPANT: ☐ Peer
☐ Supervisor
☐ Other

--	--

(7-8)

--

(9)

1. How long have you worked with _____ ?
(participant respondent)

2. Since _____, have you noticed any change in his/her
(time of court training program attendance)

approach to their work?

1 ☐ Yes 2 ☐ No → (Skip to Question 3)



IF YES, HOW? ANY EFFECTS ON THE COURT
SYSTEM OR JUSTICE? (Describe)

a. Substantive Knowledge	1-Yes 2-No		
b. Attitudes, Demeanor?	1-Yes 2-No		
c. Technical Skills Abilities?	1-Yes 2-No		
d. Procedures, Techniques?	1-Yes 2-No		
e. Other?	1-Yes 2-No		

3. Has he/she discussed with you his/her experience at training sessions?

1 ☐ Yes 2 ☐ No → (Skip to Question 4)



Which training experiences?

--	--	--	--	--	--

(10-16)

--	--	--	--	--	--

(17-23)

--	--	--	--	--	--

(24-30)

--	--	--	--	--	--

(31-37)

--	--	--	--	--	--

(38-44)

--

(45)

--	--

(46-47)

☐

(48-49)

What did he/she have to say about the training?

☐

(50)

(Select most appropriate code)

1. Enjoyable or interesting
2. Helpful in his/her work
3. Suggested/implemented changes as a result of the training
4. Did not like the training
5. Other _____

☐

(51)

4. Have you participated in any court-related training yourself within the past three years?

1. ☐

Yes

2. ☐

No

→ (Conclude interview)



What training was that?

☐

(52-53)

McM/GRC-CTP-09

0	9																		
---	---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

1-13

PARTICIPANT QUESTIONNAIRE

A. EMPLOYMENT HISTORY

1. Current Position _____ ☐ ☐ 14-15
Employer _____
How long? (in years) _____ ☐ ☐ 16-17
Current Annual Salary \$ _____ ☐ ☐ ☐ ☐ ☐ 18-22
2. Previous Position _____ ☐ ☐ 23-24
Employer _____
How long? (in years) _____ ☐ ☐ 25-26
Final Annual Salary \$ _____ ☐ ☐ ☐ ☐ ☐ 27-31
3. Previous Position _____ ☐ ☐ 32-33
Employer _____
How long? (in years) _____ ☐ ☐ 34-35
Final Annual Salary \$ _____ ☐ ☐ ☐ ☐ ☐ 36-40
4. How many years of professional work experience have you had? ☐ ☐ 41-42
Law/Courts related? ☐ ☐ 43-44
5. How many hours per week do you work at your job? ☐ ☐ 45-46

B. PERSONAL INFORMATION

6. Sex (check one) 1 ☐ Male 47
2 ☐ Female
7. Racial/Ethnic Identification (check one)
1. ☐ -American Indian/Alaskan Native 48
2. ☐ -Asian/Pacific Islander
3. ☐ -Black, Not Hispanic
4. ☐ -Hispanic
5. ☐ -White, Not Hispanic
8. Highest Educational Degree _____ 49
Year 19 ☐ ☐ 50-51

52
53

50-51

52

53

53

O.C. _____

C. ASSESSMENT OF CHANGES

9. Have you noticed any significant changes in the court system in which you have worked over the past five years? (Check one)

1 Yes ☐ 2 No ☐

Comment: _____

10. Have you noticed any significant changes in your perspective of your professional role and responsibilities over the past five years as it relates to:

a. Your substantive knowledge of the law/courts?

1 Yes ☐ 2 No ☐ → (Skip to Question 10b)



In what areas? _____

What was the major source or cause of this change? (Check one)

1. ☐ Experience on the job
2. ☐ Reading
3. ☐ Training Where? _____
(Institute/School)
4. ☐ Advice from colleagues
- ☐ Other _____

54

55

☐ ☐
56-57

58-59

☐
60

Q.C. _____

b. Significant changes in procedures you use?

1 Yes ☐ 2 No ☐ → (Skip to Question 10c)

What kind of change? _____

What was the major source or cause of this change? (Check one)

1. ☐ Experience on the job
2. ☐ Reading
3. ☐ Training Where? _____
(Institute/School)
4. ☐ Advice from colleagues
- ☐ Other _____

c. Significant changes in your personal skills?

1 Yes ☐ 2 No ☐ → (Skip to Question 10d)

What kind of change? _____

What was the major source or cause of this change? (Check one)

1. ☐ Experience on the job
2. ☐ Reading
3. ☐ Training Where? _____
(Institute/School)
4. ☐ Advice from colleagues
- ☐ Other _____

61

☐ ☐

62-63

64-65

☐
66

67

☐ ☐

68-69

70-71

☐
72

Q.C. _____

d. Significant changes in your use of resources (materials, persons, etc.)?

1 Yes ☐ 2 No ☐ → (Skip to Question 10e)



Which resources? _____

What was the major source or cause of this change? (Check one)

1. ☐ Experience on the job
2. ☐ Reading
3. ☐ Training Where? _____
(Institute/School)
4. ☐ Advice from colleagues
- ☐ Other _____

e. Significant changes in the priorities you assign to your functions in your current job?

1 Yes ☐ 2 No ☐ → (Skip to Question 11)



Please describe the changes in priorities _____

What was the major source or cause of this change? (Check one)

1. ☐ Experience on the job
2. ☐ Reading
3. ☐ Training Where? _____
(Institute/School)
4. ☐ Advice from colleagues
- ☐ Other _____

73

☐ ☐
74-75

76-77

☐
78

☐
80

1-13
(Duplicate)
14

☐ ☐
15-16

17

☐
18

Q.C. _____

11. Have any of these personal changes influenced the way in which the court (and its related agencies) operates in your jurisdiction? (Check one)

1 ☐ Yes

2 ☐ No → (Skip to Question 12)

3 ☐ Don't know → (Skip to Question 12)

How? (Check all that apply)

1. ☐ Improved the quality of justice
 2. ☐ Lessened the quality of justice
 3. ☐ Increased efficiency
 4. ☐ Decreased efficiency

D. TRAINING HISTORY

12. Please list the training sessions you have attended which were directly related to the courts.
 (Begin with the most recent)

YEAR	COURSE	SPONSOR/INSTITUTE	DURATION (DAYS)
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

19

20-23

☐ 24-29

☐ 30-35

☐ 36-41

☐ 42-47

☐ 48-53

☐ 54-59

☐ 60-65

☐ 66-71

☐ 72-77

☒ 80

1-13
 (duplicate)

☐ 14-19

☐ 20-21 ☐ 22-23

☐ 24

Q.C. _____

E. ASSESSMENT OF MOST RECENT TRAINING COURSE

Please assess training process provided by _____ in terms of its
 (please fill in)
 strengths and weaknesses. In your view, based on the most recent course taken at that institute:

(Please circle the appropriate number)

13. To what extent was the course applicable to the needs of the organization/system that sent you?	Not at all	Some what	Adequate	Very Much	Fully
	1	2	3	4	5

25

b. Further observations:

14. To what extent:

(Please circle the appropriate number)

	Not at All	With Reservations	Neutral	Fairly Willing	Extremely Interested
a. Did you want to attend training?	1	2	3	4	5
b. Was the training encouraged by the organization/system for which you work?	Hostile to the idea 1	Dis-couraging 2	Neutral 3	Very encouraging 4	It was mandatory 5

26

27

c. Further observations:

Q.C. _____

15. With regard to the general design of the course, to what degree:

(Please circle the appropriate number)

	Not at All	Some- what	Fairly Well	Very Much	Thoroughly	
a. Was training based on the general needs of your profession?	1	2	3	4	5	28
b. Were your individual training needs taken into consideration during the course?	1	2	3	4	5	29
c. Were expected outcomes presented to you at the start of the course?	1	2	3	4	5	30
d. Were the learning objectives clear and succinct?	1	2	3	4	5	31
e. Was the achievement of the learning objectives something that could actually be demonstrated?	1	2	3	4	5	32
f. Did the training itself provide the opportunities to practice what you were taught?	1	2	3	4	5	33
g. Were you kept informed of your progress?	1	2	3	4	5	34
h. Did the training objectives, activities, and materials appear to fit together?	1	2	3	4	5	35
i. Did the instructor or other participants provide you with feedback on your performance that was useful to you?	1	2	3	4	5	36
j. Were you given the opportunity to provide input to the faculty during the course?	1	2	3	4	5	37

k. Further observations:

Q.C.

16. While individual instructors may vary, what did you think of the faculty in general with respect to:

(Please circle the appropriate number)

	Totally Unknow- ledgeable	Minimally Knowledge- able	Adequate	Quite Know- ledgeable	Expert
a. The degree of their substantive knowledge of the law/courts?	1	2	3	4	5
b. The extensiveness of their practical experience in the topic area?	1	2	3	4	5
c. Their teaching ability?	1	2	3	4	5

38

39

40

d. Further observations:

(Please circle the appropriate number)

	Not at All	Once or Twice	Periodically	Often	Continually
17. How often have you called upon the staff/instructors since training for followup technical assistance to yourself and/or your jurisdiction?	1	2	3	4	5

41

Further observations:

Q.C.

18. Do you:

(check one)		
a. Wish to return to the institute for more sessions in the future?	1 ☐ Yes 2 ☐ No	Why?
b. Attempt to make personal changes related to what you learned at the institute?	1 ☐ Yes 2 ☐ No	If so, please give examples
c. Attempt to make changes in your organization that were spurred by what you learned at the institute?	1 ☐ Yes 2 ☐ No	If so, please give examples
d. Share institute materials to assist others?	1 ☐ Yes 2 ☐ No	If so, which materials and for whom?
e. Recommend the institute to others?	1 ☐ Yes 2 ☐ No	If so, how and to whom? If not, why?

42

 43-44

45

 46-47

48

 49-50

51

 52-53

54

 55-56

Q.C. _____

19. With regard to the training setting:

	(check one)		
	Yes	No	
a. Was the group of participants made up of people with similar professional roles and experience?	1 ☐	2 ☐	57
b. Was the number of participants in a class small enough to allow individual attention from the instructor?	1 ☐	2 ☐	58
c. Was the course long enough to allow you to meet the learning objectives?	1 ☐	2 ☐	59
d. Was there an effective match between your role/needs and the instructor's areas of expertise?	1 ☐	2 ☐	60
e. Were instructors available to you outside class?	1 ☐	2 ☐	61
f. Was the total number of contact hours you had with instructors adequate?	1 ☐	2 ☐	62
g. Were the training support services (e.g., copying, handouts, chalk board, graphics, etc.) adequate?	1 ☐	2 ☐	63
h. Were the physical accommodations (e.g., classrooms, refreshments, seminar rooms, lodgings) adequate?	1 ☐	2 ☐	64

i. Further observations:

O.C. _____

20. In your experience, to what extent were the following methods used?

	(Please circle the appropriate number)				
	Not at all	Some (Less than 25%)	Often (25 - 50%)	Most of the time (Greater than 50% but not 100%)	Solely (100%)
a. Lectures	1	2	3	4	5
b. Discussion Groups (of attendees)	1	2	3	4	5
c. Panel Discussions	1	2	3	4	5
d. Role-playing or simulation	1	2	3	4	5
e. Other: (specify) _____ _____	1	2	3	4	5

21. Which aspect of the course did you find most helpful?

(check one)

- 1 ☐ Lectures
- 2 ☐ Discussion Groups
- 3 ☐ Handout Materials, Text
- 4 ☐ Simulation or Role-playing
- 5 ☐ Question and Answer Periods After Lecture
- 6 ☐ Informal Conversations with Other Participants

65

66

67

68

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3
80

Q.C.

22. How would you assess the general quality of training—its strengths and weaknesses—provided by:

(please fill in)

F. ASSESSMENT OF OTHER TRAINING COURSES, IF APPLICABLE

Please assess training process provided by _____ in terms of its
(please fill in)
strengths and weaknesses. In your view, based on the most recent course taken at that institute:

**TO BE COMPLETED ONLY IF YOU HAVE ATTENDED MORE THAN ONE OF
THE EIGHT INSTITUTIONS LISTED IN THE COVER LETTER.**

(Please circle the appropriate number)

13. To what extent was the course applicable to the needs of the organization/system that sent you?	Not at All	Some-what	Adequate	Very Much	Fully
	1	2	3	4	5

25

b. Further observations:

14. To what extent:

(Please circle the appropriate number)

	Not at All	With Reservations	Neutral	Fairly Willing	Extremely Interested
a. Did you want to attend training?	1	2	3	4	5
b. Was the training encouraged by the organization/system for which you work?	Hostile to the idea 1	Dis-couraging 2	Neutral 3	Very encouraging 4	It was mandatory 5

26

27

c. Further observations:

Q.C. _____

15. With regard to the general design of the course, to what degree:

(Please circle the appropriate number)

	Not at All	Some- what	Fairly Well	Very Much	Thoroughly
a. Was training based on the general needs of your profession?	1	2	3	4	5
b. Were your individual training needs taken into consideration during the course?	1	2	3	4	5
c. Were expected outcomes presented to you at the start of the course?	1	2	3	4	5
d. Were the learning objectives clear and succinct?	1	2	3	4	5
e. Was the achievement of the learning objectives something that could actually be demonstrated?	1	2	3	4	5
f. Did the training itself provide the opportunities to practice what you were taught?	1	2	3	4	5
g. Were you kept informed of your progress?	1	2	3	4	5
h. Did the training objectives, activities, and materials appear to fit together?	1	2	3	4	5
i. Did the instructor or other participants provide you with feedback on your performance that was useful to you?	1	2	3	4	5
j. Were you given the opportunity to provide input to the faculty during the course?	1	2	3	4	5

k. Further observations:

16. While individual instructors may vary, what did you think of the faculty in general with respect to:

(Please circle the appropriate number)

	Totally Unknow- ledgeable	Minimally Knowledge- able	Adequate	Quite Know- ledgeable	Expert
a. The degree of their substantive knowledge of the law/courts?	1	2	3	4	5
b. The extensiveness of their practical experience in the topic area?	1	2	3	4	5
c. Their teaching ability?	1	2	3	4	5

38

39

40

d. Further observations:

(Please circle the appropriate number)

	Not at All	Once or Twice	Periodically	Often	Continually
17. How often have you called upon the staff/instructors since training for followup technical assistance to yourself and/or your jurisdiction?	1	2	3	4	5

41

Further observations:

18. Do you:

(check one)

a. Wish to return to the institute for more sessions in the future?	1 ☐ Yes 2 ☐ No	Why?
b. Attempt to make personal changes related to what you learned at the institute?	1 ☐ Yes 2 ☐ No	If so, please give examples
c. Attempt to make changes in your organization that were spurred by what you learned at the institute?	1 ☐ Yes 2 ☐ No	If so, please give examples
d. Share institute materials to assist others?	1 ☐ Yes 2 ☐ No	If so, which materials and for whom?
e. Recommend the institute to others?	1 ☐ Yes 2 ☐ No	If so, how and to whom? If not, why?

42

 43-44

45

 46-47

48

 49-50

51

 52-53

54

 55-56

Q.C. _____

19. With regard to the training setting:

(check one)

	Yes	No
a. Was the group of participants made up of people with similar professional roles and experience?	1 ☐	2 ☐
b. Was the number of participants in a class small enough to allow individual attention from the instructor?	1 ☐	2 ☐
c. Was the course long enough to allow you to meet the learning objectives?	1 ☐	2 ☐
d. Was there an effective match between your role/needs and the instructor's areas of expertise?	1 ☐	2 ☐
e. Were instructors available to you outside class?	1 ☐	2 ☐
f. Was the total number of contact hours you had with instructors adequate?	1 ☐	2 ☐
g. Were the training support services (e.g., copying, handouts, chalk board, graphics, etc.) adequate?	1 ☐	2 ☐
h. Were the physical accommodations (e.g., classrooms, refreshments, seminar rooms, lodgings) adequate?	1 ☐	2 ☐

i. Further observations:

57

58

59

60

61

62

63

64

a.c.

20. In your experience, to what extent were the following methods used?

	(Please circle the appropriate number)				
	Not at all	Some (Less than 25%)	Often (25 - 50%)	Most of the time (Greater than 50% but not 100%)	Solely (100%)
a. Lectures	1	2	3	4	5
b. Discussion Groups (of attendees)	1	2	3	4	5
c. Panel Discussions	1	2	3	4	5
d. Role-playing or simulation	1	2	3	4	5
e. Other: (specify) _____ _____	1	2	3	4	5

66

66

67

68

69

21. Which aspect of the course did you find most helpful?

(check one)

- 1 ☐ Lectures
- 2 ☐ Discussion Groups
- 3 ☐ Handout Materials, Text
- 4 ☐ Simulation or Role-playing
- 5 ☐ Question and Answer Periods After Lecture
- 6 ☐ Informal Conversations with Other Participants

70

3
80

Q.C.

22. How would you assess the general quality of training—its strengths and weaknesses—provided by:

(please fill in)

McM/GRC-CTP-13

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(1-6)

BOARD OF DIRECTORS QUESTIONNAIRE

1. Current employer and position _____

Length of time in this position years

2. How many years have you been in the Criminal Justice field? years

3. How many years have you been associated with the program as a member of the board? years

4. How many board meetings were held in 1978?

How many meetings did you attend in 1978?

What was the average duration? days

5. How is the agenda for the Board meetings decided?

- | | | |
|---------------------------------------|--------------------------|---------|
| 1. Standard for all meetings | ☐ | (check) |
| 2. Board or Committees | ☐ | |
| 3. Provide input prior to the meeting | ☐ | |
| 4. Agenda proposed by program staff | ☐ | |
| 5. Other, specify | ☐ | |

6. Have you ever attended training sessions at the program where you are a Board member?
(Check one)

1. ☐ Yes 2. ☐ No

7. Have you ever been affiliated with any other national or local judicial training program?

1. ☐ Yes 2. ☐ No → (Skip to Question 8)

↓

Program Name	Your Role
(a) _____	_____
(b) _____	_____

Years of Affiliation

19

19

Attended Training

Yes No
1. ☐ 2. ☐

1. ☐ 2. ☐

7-8

9-10

11-12

13-14

15-16

17-18

19-20

21

22

23

24-28

29-33

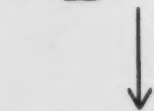
O.C. _____

8. As a Board member, to what degree do you influence the policies of the program?
(Check one box for each item)

	Always 1	Usually 2	Sometimes 3	Little 4	Never 5	
a. Financial	☐	☐	☐	☐	☐	34
b. Staffing	☐	☐	☐	☐	☐	35
c. Program goals	☐	☐	☐	☐	☐	36
d. Curriculum	☐	☐	☐	☐	☐	37
e. Other (specify) _____	☐	☐	☐	☐	☐	38

9. Are the policy decisions of the Board influenced by feedback or needs analysis of the participants?
(Check one)

1. ☐ Yes 2. ☐ No  (Skip to Question 10) 39



a. Mechanism: 1. questionnaire ☐ , 2. informal conversation ☐ , 3. other ☐ , 4. don't know ☐ 40

b. Frequency of feedback: 1. several times/year ☐ , 2. yearly ☐ , 3. less than once/year ☐
4. other ☐ , 5. don't know ☐ 41

10. As a Board member, are you involved in program development in any of the following areas?
(Check one box for each item)

	Yes 1. ☐	No 2. ☐	
a. Curriculum development	1. ☐	2. ☐	42
b. Selection of topics	1. ☐	2. ☐	43
c. Selection of instructors	1. ☐	2. ☐	44
d. Development of materials	1. ☐	2. ☐	45
e. Instructional methods	1. ☐	2. ☐	46

11. Is it your impression that the policies of the Board are translated into day-to-day service? (Check one)
- | | Always
1 | Usually
2 | Sometimes
3 | Little
4 | Never
5 | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|----|
| | ☐ | ☐ | ☐ | ☐ | ☐ | 47 |

12. As a Board member, have you been involved in program marketing or outreach?
(Check one)

1. ☐ Yes 2. ☐ No  (Skip to Question 13) 48



1. ☐ formally 2. ☐ informally (Check one) 49

13. How would you rate the following objectives of training in terms of importance to the participants?
(Check one box for each item)

	Essential 1	Very Important 2	Important 3	Somewhat Important 4	Not at all 5	
a. Enhance skills	☐	☐	☐	☐	☐	50
b. Enhance substantive knowledge	☐	☐	☐	☐	☐	51
c. Encourage procedural and technological advancements in the courts	☐	☐	☐	☐	☐	52
d. Understanding of their professional roles	☐	☐	☐	☐	☐	53
e. Influence collegial communication	☐	☐	☐	☐	☐	54
f. Enhance overall quality of justice	☐	☐	☐	☐	☐	55
g. Other (specify) _____	☐	☐	☐	☐	☐	56

14. From your point of view, does the program with which you are affiliated ascribe the same importance to the elements in Question 13 as the participants do?

1. Don't know	☐
2. Identical	☐
3. Some similar	☐
4. Not at all	☐
5. Other (specify) _____	☐

15. Additional comments:

McM/GRC-CTP-12

--	--	--	--	--	--

1-6

INSTRUCTOR QUESTIONNAIRE

A. EMPLOYMENT HISTORY

1. Current Position? _____
(Position) (Location)
2. How long? Years
3. Previous Position? _____
(Position) (Location)
4. How long? Years
5. Previous Position? _____
(Position) (Location)
6. How long? Years
7. How many years of professional experience have you had? Courts/Legal related?
8. How many years have you been associated with _____
as an instructor? Years (Write in institute referred to in cover letter)
9. How many hours per week do you work at your current, primary job? Hours

B. PERSONAL INFORMATION

10. Sex ☐ 1 Male
☐ 2 Female
11. Race/Ethnic ☐ 1 American Indian/Alaskan Native
☐ 2 Asian/Pacific Islander
☐ 3 Black, Not Hispanic
☐ 4 Hispanic
☐ 5 White, Not Hispanic
12. Educational Degree (Highest) _____
Year 19

☐ ☐
7-8

9-10

☐ ☐
11-12

13-14

☐ ☐
15-16

17-18

19-22

23-24

25-26

27-28

29

30

☐
31

32-33

Q.C. _____

C. INSTRUCTIONAL OBJECTIVES

We are interested in learning what outcomes courts training instructors emphasize, the priority you personally give these outcomes, and the ways you assess whether they are attained.

13.	In what order do you emphasize the following training objectives?	PRIORITY Please rank from 1—Most to 7—Least	To what extent do you feel your students have been successful in meeting these objectives?	What indications are there that they have been achieved? (Please describe)
a.	To update and increase participants' substantive knowledge (e.g., of the law, mgmt. techniques, etc.)		(Please circle the appropriate number.) Not At All Some-what Fairly Well Very Comple-ly 1 2 3 4 5	
b.	To enhance participants' understanding of their roles.		1 2 3 4 5	
c.	To improve participants' proficiency in their roles.		1 2 3 4 5	
d.	To increase communication and consultation among professional peers/colleagues.		1 2 3 4 5	
e.	To enable participants to introduce new techniques and procedures in their systems.		1 2 3 4 5	
f.	To enable participants to influence/promote change among other courts personnel.		1 2 3 4 5	
g.	OTHER(S)			

☐ ☐ ☐ ☐

34-37

☐ ☐ ☐ ☐

38-41

☐ ☐ ☐ ☐

42-45

☐ ☐ ☐ ☐

46-49

☐ ☐ ☐ ☐

50-53

☐ ☐ ☐ ☐

54-57

☐ ☐

58-59

14.	To what extent do your own teaching objectives coincide with the training objectives of _____ (Institute identified in cover letter)	(Please circle the appropriate number.) Not At All Some-what Fairly Well Very Comple-ly 1 2 3 4 5
-----	---	---

☐
60

Q.C. _____

D. ASSESSMENT OF TRAINING

We would like to understand the major elements of the training process at _____
 _____ (Write in institute referred
 _____ and to identify the processes strengths and weaknesses. In your view:
 to in cover letter)

15. To what extent is training applicable to:

	(Please circle the appropriate number)				
	Not At All	Some- what	Adequate	Very Much	Fully
a. Individual participants' needs?	1	2	3	4	5
b. The requirements of the sender organizations?	1	2	3	4	5

c. Further observations:

61

16. To what extent does training have the support and/or endorsement of:

	(Please circle the appropriate number)				
	Not At All	Some- what	Adequate	Very Much	Fully
a. Individual participants?	1	2	3	4	5
b. Sender organization(s)?	1	2	3	4	5
c. Appropriate professional organization(s)?	1	2	3	4	5

d. Further observations:

62

63

64

a.c. _____

17. With regard to the general design of training, to what degree:

(Please circle the appropriate number)

	Not At All	Some- what	Fairly Well	Very Well	Thoroughly
a. Is training based on an assessment of the needs of the profession(s)?	1	2	3	4	5
b. Are individual participants' needs considered?	1	2	3	4	5
c. Are expected outcomes presented to participants at the outset?	1	2	3	4	5
d. Are learning objectives clear and succinct?	1	2	3	4	5
e. Is the achievement of learning objectives observable?	1	2	3	4	5
f. Does training provide opportunities to practice what was taught?	1	2	3	4	5
g. Are participants kept informed of their progress?	1	2	3	4	5
h. Are objectives, activities, and content connected?	1	2	3	4	5
i. Does training provide for meaningful evaluation?	1	2	3	4	5
j. Is training upgraded and modified in relation to the current state of the art?	1	2	3	4	5

66

66

67

68

68

70

71

72

73

74



80

k. Further observations:

Q.C. _____

18. How often have you been:

	Number of Times
a. Called upon by the people you trained at the institute for consultation to them or their jurisdiction?	
b. Invited back to the institute to teach/train?	

7-8

9-10

19. Would you be interested in teaching at _____
again in the future? (Write in institute referred to in cover letter)

(Check One)

Reasons for checking Yes or No

1 Yes ☐2 No ☐

11

20. Do you generally find that:

a. Participants express a desire for additional training at the institute?
b. Participants return to the institute for more training?
c. Participants use institute materials outside of training, either for themselves or to train others?
d. You use institute materials outside of training?

(Check one)

1 Yes ☐ 2 No ☐

12

1 Yes ☐ 2 No ☐

13

1 Yes ☐ 2 No ☐

14

1 Yes ☐ 2 No ☐

15

e. Further observations:

a.c. _____

21. With regard to the training setting:

		(Check one)	
a.	Is the participant group made up of people with similar professional roles and experience?	1 Yes ☐ 2 No ☐	16
b.	Is the number of participants small enough to allow adequate individual attention from the instructor?	1 Yes ☐ 2 No ☐	17
c.	Are the programs generally long enough to allow participants to meet the learning objectives?	1 Yes ☐ 2 No ☐	18
d.	Is there an effective match between instructor expertise and participant roles/needs?	1 Yes ☐ 2 No ☐	19
e.	Are instructors available to participants outside of class?	1 Yes ☐ 2 No ☐	20
f.	Is the total number of contact hours between participants and instructors adequate?	1 Yes ☐ 2 No ☐	21
g.	Are desired behaviors and skills reinforced in the various aspects of training?	1 Yes ☐ 2 No ☐	22
h.	Are the training support services (e.g., copying, graphics, etc.) adequate?	1 Yes ☐ 2 No ☐	23
i.	Are the physical accommodations (e.g., instructional setting, lodging) adequate?	1 Yes ☐ 2 No ☐	24

j. Further observations:

Q.C. _____

22. With regard to the management of the training events:

a. Are responsibilities and lines of authority clear?	(Check one) 1 Yes ☐ 2 No ☐	25
b. Are administrative procedures (e.g., fiscal, purchasing, personnel, reimbursements) adequate?	1 Yes ☐ 2 No ☐	26
c. Are instructors appraised of what is expected from them and of their performance?	1 Yes ☐ 2 No ☐	27
d. Are instructors given orientations/staff training?	1 Yes ☐ 2 No ☐	28
e. Is program modification based on feedback and systematic assessment?	1 Yes ☐ 2 No ☐	29

f. Further observations:

Q.C. _____

23. To what extent are the following methods used?

	(Please circle the appropriate number)				
	Not at all	Some (less than 25%)	Often (25-50%)	Most of the time (greater than 50%—less than 100%)	Solely (100%)
a. Lectures	1	2	3	4	5
b. Discussion Groups	1	2	3	4	5
c. Panel Discussions	1	2	3	4	5
d. Case Studies	1	2	3	4	5
e. Role Playing, Simulation	1	2	3	4	5
f. Video-taping	1	2	3	4	5
g. Moving Pictures	1	2	3	4	5
h. On-the-job Training	1	2	3	4	5
i. Computer Assisted Instruction (CAI)	1	2	3	4	5
j. Other(s)	1	2	3	4	5

k. Further observations:

1
80

Q.C. _____

24. How would you assess the general quality of training—its strengths and weaknesses—provided by

(Write in institute referred to in cover letter)

APPENDIX C

**MANUAL FOR CONDUCTING AN
ONGOING EVALUATION**

I. INTRODUCTION

This manual is written as a guide to conducting the "nuts and bolts" aspects of an ongoing or periodic evaluation of LEAA's Courts Training Program (CTP) or similar programs. It contains forms, matrices, and other exhibits as illustrative examples of instruments used to conduct an evaluation. It is based on actual experience, and as a result, will point out areas to avoid as well as critical steps to follow.

Before conducting an evaluation, certain basic steps should be taken to ensure that the goals of the evaluation are properly defined and that objectives of the evaluation are attainable. For example, a work program must be developed, delineating tasks to be performed and a timetable for performing them. (It may also be appropriate to develop an evaluation project budget at the same time.) These preliminary, essential steps are not detailed in this document. It is assumed that LEAA staff have ample experience in designing work programs and budgets. Rather, this manual is designed to provide an approach to implementing *tasks* involved in the evaluation. (For more information on designing an evaluation, see *Management-Oriented Corrections Evaluation Guidelines*, Jack Reynolds, Ph.D., U.S. Department of Justice, Law Enforcement Assistance Administration, National Institute of Law Enforcement and Criminal Justice, May 1977.)

This manual will outline the tasks actually performed during an impact evaluation of the Courts Training Program. It will also discuss options which were not used during the CTP evaluation. Its contents are relevant to other types of evaluations which LEAA may wish to conduct.

II. DETERMINING DATA NEEDS

1. DEVELOP MATRICES

After the goals of the evaluation have been determined and narrowed in scope, the study design is developed. The study design will specify the approach to be used. For example, it is necessary to choose between true experimental, quasi-experimental, and non-experimental designs. When this choice has been made, the next step is to determine data needs. To achieve this, it is helpful to develop matrices which reflect the study design. This graphic representation describes each aspect of the plan in a succinct manner and provides the opportunity to get a total overview of the project. *Attachment A* is an example of two matrices utilized in designing an impact evaluation of the Courts Training Program.

Critical elements to be identified in matrices include:

- *Key Questions (statements which the evaluation will address)*
- *Variables (criteria used to make judgments about the subject)*
- *Data Elements (elaboration and refinement of variables)*
- *Data Sources (types of primary and secondary data to be collected)*
- *Measures (quantification of data)*
- *Analysis (treatment of data—statistically and nonstatistically)*

By developing the matrices, needs of the evaluation will also be more clearly developed. At the same time, elements of the experimental design evolve through identification of variables and data sources.

2. DETERMINE DATA COLLECTION PLAN

Using the matrices described above, a sampling plan should be determined. In deciding on the sampling plan, take into consideration the study design, sources, variables, and the degree of precision needed. The next major step is to decide which type of design will be most appropriate for each sample. Two basic alternatives, primary and secondary data, are described below.

PRIMARY DATA

- 1) *Direct Observation.* Observer can act as either participant or nonparticipant using structured or unstructured methods of collection.

2) **Direct Reports.**

- a. Unstructured Interviews—Selected topics are discussed in depth.
- b. Semi-structured Interviews—Composed of open-ended questions.
- c. Structured Interviews—Contains specific questions with fixed choices.
- d. Free Association—No set questions are asked, respondent speaks at will.
- e. Tests.
- f. Inventories.

SECONDARY DATA

- 1) Statistical Records.
- 2) Documents (legal, government, etc.).
- 3) Secondary Documents (newspapers, research reports, articles, etc.).

3. **DEVELOP DATA
COLLECTION ELEMENTS**

Outline the data collection plan and identify specific sources, methods to be used, and instruments for data collection. Then, determine the timing and frequency, using sample size, time period available, and monetary constraints as guidelines.

For ongoing or periodic evaluations of the Courts Training Program, the following guidelines are suggested:

- *Frequency — at least once a year.*
- *Sources—the training institutes, training programs, and training participants (preferably before and after training).*
- *Methods—visitations to training institutes, observation of training programs, interviews with participants and instructors (in person* or by use of mailed questionnaires).*
- *Timing—depends on training program schedules of training institutes being evaluated.*

*For in-person interviews with participants, it is suggested that specific court jurisdictions be utilized so that training impact on court systems can be measured at the same time as impact on individuals who are being evaluated.

III. VISITING TRAINING INSTITUTES

1. PURPOSE

One aspect of the data collection plan should include visits to the training institutes involved in the evaluation. The site visits are undertaken to observe the institute's center of operation, to interview key personnel, and to obtain information on both the management of the institute and the training programs offered.

2. PREPARATION

Several preparatory steps should be taken to assure a productive and smooth site visit to the institute:

- *Locate or request materials and documents regarding the institute and its programs before the visit to allow the evaluator(s) to become familiar with the institute and to facilitate data collection. The documents may include the grant application, quarterly reports, previous evaluations, brochures, and training materials.*
- *Design and test interview instruments. The instruments should elicit management, program, and funding information and should focus on specific topics to be addressed by personnel or through review of records and reports.*
- *Send a letter well in advance of the visit to each institute, addressed to the chief administrator (most likely the Dean), explaining the goals and format of the visit, suggesting a schedule, and listing the types of information that could be assembled prior to the visit to expedite the data collection.*
- *Determine staffing pattern. To determine the number of evaluators needed for a training institute visit, consider the amount of data to be collected, including the number of persons to be interviewed and the number and types of records to be reviewed. (Experience indicates that the average visitation requires four person-days.) Prior to the site visit the evaluator(s) should review the background materials on the institute as well as the instruments to anticipate any questions or problems.*

3. SITE VISIT AGENDA

Initiate the visit with a "kick-off" meeting with the project director or dean and other key staff in order to clarify the objectives of the visit. The meeting also

provides an opportunity for the staff and the evaluators to review the list of documents needed and to pose any questions relating to the study.

Schedule interviews with key institute personnel to gather information essential to the evaluation. The key interviews normally include:

Project Director

Interview the project director or dean early in the visit (preferably first) so that he/she may provide an overview of the institute's goals, policy, funding, program design, staff, trainees, and organizational affiliations. Questions regarding institutional evaluations—both internal and external—should also be asked at this time. (See *Attachment B* for sample questionnaire.)

Questions regarding program activities should be addressed initially to the director. One area recommended for discussion is program history over the past five years—reflecting changes and trends in goals, topics, and participants. A more comprehensive analysis of specific program characteristics for the past two years will furnish more detailed information, including the amount of time and money expended for each course (see *Attachment C*). While the director may not have this type of information readily available, staff and/or records should be utilized to develop the data.

Management and Administration

A series of interviews and record reviews should be conducted to determine the existence and effectiveness of various management and administrative practices and tools. A checklist to measure administrative quality can be devised to cover a wide range of topics, including organization structure, personnel management, fiscal controls and equipment inventories (see *Attachment D*). This type of checklist also serves as a reminder to obtain copies of important documents (i.e., budget, personnel manual, organization chart). The appropriate respondents to this instrument include the director or dean, controller, accountant, and personnel officer.

Staffing Profile

A matrix can be designed to obtain basic information regarding characteristics of in-house staff and consultants and lecturers used regularly by the institute. This profile indicates the personal and professional background of administrators and faculty, including their tenure with the institute and their salary (see *Attachment E*).

In addition, a staff allocation time sheet may be used to determine the proportion of time spent on specific tasks by in-house personnel. This chart requests information regarding the role of each staff person in major institutional activities (see *Attachment F*).

Budget Interview

If the fiscal officer has not prepared a budget for review prior to the visit, obtain financial information on site to ascertain the various categories of expenses and the sources of income other than LEAA funds. Caution the fiscal officer that this is not a financial *audit*; it is merely a review of general financial procedures, and of expenditure items and income sources. Difficulties in surveying the records may arise when the cycles for the institutional budget and the grant period do not coincide (see *Attachment G*).

Curriculum Development

Conduct an interview with the person primarily responsible for design and supervision of programs. The process of curriculum development—from needs assessment to post-training follow-up and evaluation—should be reviewed. Gather documentation and materials such as syllabi, training manuals, and results of needs analyses and evaluations. The interview should also address faculty recruitment, orientation, and preparation (see *Attachment H*).

Exit Interview

A final interview between the evaluator(s) and the dean and/or other personnel is appropriate to review the data collection efforts, to request any additional documents or information not readily available, and to extend appreciation for staff cooperation during the visit. Evaluative comments should not be made at that time. If appropriate, offer a date by which the director will be advised of the evaluation results or findings.

4. OBSERVATION OF TRAINING

Observation of training programs may or may not be possible during the visit to the training institute, depending on the schedule of programs and the locations used for training. Many residential courses are offered only during the summer, and other regional courses and short workshops are not taught at the institutional site.

Observation of training programs, even on a limited basis, is strongly recommended because it will offer insights regarding conference management, instruction, and participant response.

A guide should be developed to report on various components of the training course. It will serve as a checklist for a final report on training activities (*Attachment I*). The areas of assessment should include the overall course setting, the instructional program (topics, instructor, teaching methods and equipment), and participant involvement and reaction.

When training is observed apart from the site visit, the institute should be notified of the evaluator's intent to view the course, and a representative of the training program should be contacted upon arrival at the training site. The evaluator should remain unobtrusive throughout the program but his/her role should be identified to staff, faculty, and participants. The evaluator should mingle among the participants when possible to note responses concerning the training program and institute.

5. EVALUATION REPORT

The report resulting from the evaluation of the institute should include an introduction which clarifies the goals of the project, explains the methodology used, and provides background on the institute.

The text of the report should focus on the findings of the evaluation, as well as evaluation recommendations.

The format of the report should contain those issues most relevant to the goals of the evaluation. Suggested topics for individual sections include:

- *Goals and Objectives of the Institute*
- *Programs (include observations of training)*
- *Impact (needs assessments, marketing of programs, selection of trainees, selection of faculty, monitoring and assessment of faculty and programs, teaching methods, external evaluation)*
- *Other Institutional Activities (e.g., research, publications, alumni activities)*
- *Program and Related Costs*
- *Management*
- *Challenges, Future Directions*
- *Evaluations and Recommendations*

IV. DESIGNING DATA COLLECTION MATERIALS

1. DESIGN QUESTIONNAIRES, TOPIC GUIDES AND OTHER MATERIALS

After determining the key questions and variables on which the evaluation is based, data collection materials should be designed. The data collection plan designates the sources or role groups, methods, frequency and timing. Use this as a guide to design instruments.

The first step in instrument design is to determine what type of instruments will provide the type of data needed. The basic types, primary and secondary data, were described in detail in Chapter II. Semi-structured and structured interview design, direct observation, and collection of secondary data are discussed below.

Semi-Structured and Structured Instruments

Data collection instruments should be designed to succinctly and clearly elicit data from respondents. Use structured questionnaires when a large number of participants will be surveyed, necessitating data processing. When developing a structured questionnaire, avoid unnecessary questions and awkward wording—strive for consistency, logical ordering, and smooth transitions from one question to the next. A semi-structured questionnaire or topic guide may be used when a limited number of persons are being surveyed and in-depth answers are being sought. Key questions should be identified to provide some type of uniformity in data collection.

When a first draft of the survey instrument has been completed, analyze each question to determine exactly what data the answers will provide. Identify any questions which result in repetitive answers, and combine or reword them, making sure each item is essential. This will help avoid asking unnecessary questions and ensure a smooth interview.

Mail questionnaires can be used exclusively or as a supplement to in-person interviews. Although mailing is less costly and will enable a larger sample to be surveyed at a lower cost, certain pitfalls exist. The rate of return is lower when mail questionnaires are used, and data may not be complete in many cases. Also, using the mail does not provide the opportunity to probe responses.

When using mail questionnaires, it is vital that each question be explained clearly and that instructions are complete. Do not *assume* the respondent will know the intent; make sure each question is understandable. If the respondent is supposed to check one box out of many choices, be sure to say exactly that. If, on the other hand, the respondent may check as many boxes as are applicable, state those directions so that no guess work is involved. Avoid wordiness, but do not skimp on instructions.

After the first draft has been completed, it is helpful to test the instruments. This will provide valuable information before the instruments are finalized for the pre-test. It is not unusual to revise a questionnaire three or four times before the pre-test version is developed.

Observation Instruments

Direct observation instruments should be used to examine on-site training programs. The instrument should cover all aspects of the activity being observed to provide uniform data gathering. Attachment I, Training Observation Guide, is one example of an instrument used during direct observation by a nonparticipant.

Secondary Data

After primary data instruments have been designed, it is essential to identify types of secondary data which should be collected. A list of the documents, records, etc. should be included in a procedures manual (to be discussed below) so that each evaluator knows what documents are to be gathered. Secondary data should supplement and provide additional quantification to interview instruments.

2. DEVELOP PROCEDURES MANUAL

A Procedures Manual is recommended to train and orient evaluators and interviewers to the project and to the tasks to be accomplished. It also assists the manager in organizing interview teams before, during and after site visits to specific court jurisdictions, as recommended in Chapter II.

Attachment J provides an example of a Procedures Manual. Essential elements include:

- *Project Abstract.* A brief statement to explain the project and its scope.
- *Project Contact List.* A list which should include the names, titles, addresses and phone numbers of project monitor(s) and other key persons involved in the study.
- *Pre-site Visit Information.* This section should include a listing of information obtained prior to the site visit, including relevant studies conducted at the site, annual reports, court calendars, the State Plan, etc. It should also contain instructions for compiling the background information.

- *Site Management Procedures.* This section should contain a chronological listing of site management procedures. An advance checklist should detail steps to be followed from site selection through post-site follow-up. It should also contain checklists of items needed for site visits (questionnaires, etc.), secondary data to be gathered on site, as well as a case study outline (if case studies will be used). Other pertinent information relating to site visits should be included in this section.
- *Instructions to the Interviewer.* This section should cover general information to aid interviewers, such as introductory remarks, how to handle difficult situations, etc. It should also provide specific instructions on using questionnaires.
- *Quality Control Procedures.* Regardless of what type of data gathering method(s) is used, quality control is essential. This should be used as a check for legibility and completeness. The quality control section of the Procedures Manual should also detail any special responsibilities of the project manager, team leader, or data manager.
- *Coding Instructions.* If the data collection plan calls for extensive use of questionnaires or other instruments which will involve data processing, an instrument coding manual should be included in the Procedures Manual.

3. TRAINING STAFF

When the Procedures Manual has been completed, it should be explained and discussed during a staff training session. Staff should be "walked through" the Manual and should have the opportunity to ask questions about any elements which are unclear.

During the training session, it may also be helpful to engage in role playing, using the questionnaires, so that interviewers become familiar with both questions and responses. It is important that interviewers understand each question, as well as the intent of each question, so if the respondent raises questions, the interviewer is prepared to answer them.

If data processing will be used, it is important to train staff on coding procedures. Use the instruments completed during the role playing exercise to practice coding questionnaires so that each interviewer becomes familiar with that aspect as well.

4. PRE-TEST

The pre-test is a critical step in determining the feasibility of the data collection plan and preparing for the remainder of the project. The pre-test provides the opportunity to identify and eliminate problems before field visits begin. Although the pilot test is the most comprehensive pre-test method, it may not always be necessary. Two

other types of pre-tests are also possible. A review of the design and instruments by experts, typical respondents, or some members of the target audience may be sufficient. Also, simulation through role playing or identifying hypothetical data may be used to pre-test the plan.

When a complicated evaluation design is being used, a pilot test is recommended. The basic purposes of the pilot test are to:

- *Test data collection instruments;*
- *Train interviewers in data collection;*
- *Test procedures for setting up field visits;*
- *Determine availability of data; and*
- *Develop model reports.*

Test Data Collection Instruments. During the pilot test, both interview and mail questionnaires should be tested. When testing mail instruments, ask respondents to answer each question and to comment on length, clarity, problem areas, etc. As a result of the pilot test, deficiencies in the questionnaires and the types of obtainable data will be identified.

Train Interviewers. The pilot test will enable inexperienced staff to gain practical experience, as well as provide the opportunity to gain familiarity with on-site procedures. It also allows some experimentation regarding the number of interviews that can be conducted during one day, how many interviewers will be most effective in an interview, etc. Be aware of all possibilities during the pilot test, and try different techniques to achieve maximum effectiveness and efficiency.

Test Procedures. Since the pilot test is a scaled-down version of an actual field visit, each procedure used for setting up the visit should be carefully documented. Timing for a pre-site visit, contacting respondents, and arranging and confirming interview appointments, should be graphed on a timetable for later use. It can then be modified, if necessary, for the field visits. The timetable will be helpful in arranging the remaining visits.

Determine Availability of Data. Although each site will differ regarding accessibility to persons and records, the pilot test should be an indicator of problems which may be encountered and what types of secondary data will be readily available. After the pilot test, review the data to determine which data are absolutely necessary and which data are desirable, but not critical, keeping in mind factors of availability and necessity.

Develop Model Reports. By developing model reports, the project team gains a clearer perspective of the evaluation and its end product. It helps focus on gaps in information and aids in identification of essential data elements. In this way, the team becomes product-oriented from the start and conducts interviews with a better sense of direction.

**5. REVISE INSTRUMENTS
BASED ON PRE-TEST
EXPERIENCE**

As a result of the pre-test, data collection instruments should undergo a final revision. At this point, the revisions should be relatively minor, provided that advanced testing was conducted during the initial instrument design phases. When questionnaires have been completed in final form, it may also be necessary to revise the Procedures Manual to reflect changes which resulted from the pilot test.

**6. OBTAIN OMB
CLEARANCE
(IF NECESSARY)**

Following the pre-test and final revisions, the data collection plan should be submitted to OMB for clearance. Be sure to allow enough lead time between the pre-test and planned field visit dates so that a lengthy clearance process will not disrupt the schedule. For detailed instructions on OMB clearance preparation, see OMB Circular No. A-40.

V. ARRANGING FOR DATA COLLECTION

1. SELECT SITES

The sampling plan which was determined simultaneously with the data collection plan designates the sample to be drawn. First, the total population (e.g., all court systems containing a certain minimum number of training participants) must be identified, as well as subsample populations (e.g., boards of directors, instructors, training participants). When a stratified random sample or purposive sample is drawn, other criteria should be applied. Some criteria to consider when choosing court jurisdictions are:

- *Variability of types of courts within jurisdiction;*
- *Urban/rural representation;*
- *Unified/nonunified court systems;*
- *Automated recordkeeping systems;*
- *Representation of non-lawyer judges;*
- *Elected/appointed judiciary; and*
- *Availability of hard data.*

After applying the above criteria, sites can be selected. A set of alternate sites should also be chosen at the same time, in case any of the original sites must be eliminated.

2. SEND INTRODUCTORY/ EXPLANATORY LETTERS

After the sites have been selected, introductory letters should be sent to appropriate officials at each of the sites. These may include: the Chief Justice, Presiding Judge, Chief Prosecutor, Chief Defender, Chief Court Administrator, State Planning Agency Director, and/or Regional Planning Unit Director. The letters should describe the evaluation, explain why the site has been chosen for a field visit, request cooperation and assistance, and identify the project director. The letter should also explain that the project director will be in contact soon to arrange an appointment. If necessary, these letters should be staggered so that timely follow-up calls can be made.

Within two weeks, the project director should phone each of the persons at the site to arrange interview appointments. In most cases, protocol/screening visits can be conducted in one to two days per site.

Prior to the screening visit several steps should be taken:

- *A list of participants from each training institute should be completed and compared against the target numbers for each site.*
- *Available information regarding the site (e.g., LEAA grants, state summaries from National Center for State Courts, etc.) should be reviewed.*
- *Compile a list of data desired in advance of the field survey visit (see list in Procedures Manual, Attachment J). The list can be included in the letter sent to confirm screening visit appointments.*
- *Select preferred and alternate dates for the field survey visit.*

3. CONDUCT PROTOCOL/ SCREENING VISITS

The main purposes of the screening visit are to explain the nature of the project, to determine the degree of cooperation and assistance that can be expected from the key officials involved at each site, and to test the viability of dates planned for the field visit. During the screening, it is also important to identify other key actors who should be visited and arrange appointments with them. Persuade the key actor to send letters to those persons under his/her jurisdiction endorsing the study and encouraging them to cooperate. In addition, convince the key actor to designate a staff person to serve as liaison for arranging interviews and for collecting documents and other data.

Meet with the key official, or staff member designated as liaison, to accomplish the following:

- *Review applicable rosters (e.g., judges, prosecutors, defenders, etc.) to verify the presence of training participants in the court system, and to identify supervisors and appropriate comparison group interviewees if desired for interviews. Also, try to determine the locations of those persons no longer in the court system for possible contact by mail.*
- *Collect all data which were requested in the initial letter to the key official. If data are not available, arrange for mailing at a later date.*
- *As possible, obtain background information about the local court system, the key actors, and individuals on the interview lists. Identify potential problems, as well as individuals who may be able to solve such problems.*

- Obtain working space for the field survey team, preferably in an office central to most interview sites.

During the protocol/screening visit, obtain a street map to aid in planning interview schedules. Also, a local telephone book or selected pages of the book would be helpful in finding phone numbers and addresses of potential interviewees.

4. FOLLOW-UP TO PROTOCOL VISIT

Several follow-up actions should be taken after the protocol visit to initiate setting up interviews for the field visit. Prepare a suggested draft letter to be signed and mailed by each key official (e.g., chief justice, chief prosecutor, chief defender, etc.) to those individuals under his/her jurisdiction with whom interviews are to be sought. Also, prepare any letters to be sent directly by the project director to training participants. Letters should explain the project, the dates of the field visit, and the name of the person who will be contacting them for an appointment. The letter should also specify the length of time desired for the interview.

Two weeks after mailing, initiate the calls to schedule interviews. Use a matrix (see *Exhibit C*, Procedures Manual) to record interview schedules for the field visit.

After interviews have been scheduled, send a confirmation letter which reiterates the date, time, and name of the person who will conduct the interview. Also provide a name and phone number to be used if the interviewee must change the appointment.

Three or four days before the field visit, complete a site master list to obtain a final count on the number of interviewees and to assure quality control and precise recordkeeping while on site. (See *Exhibit B*, Procedures Manual.)

VI. VISITING SITES

(The Procedures Manual provides explicit instructions for conducting interviews. Therefore, interview instructions will not be discussed here.)

To ensure a successful first day at each site, the team leader should hold a meeting the evening before the field visit begins to review interview schedules and to give a general briefing to the team. At that time, writing assignments may be discussed so that collection of secondary data is divided among team members by specific categories, rather than assigning total responsibility to one person. This method allows individuals to collect data as they proceed through their scheduled interviews. However, if the team leader prefers to assign this responsibility to one person, at least a half day should be blocked out in advance.

Each morning interviewers should prepare themselves for the day by:

- *Identifying the day's interviews as scheduled;*
- *Locating interviews and travel time required between them; and*
- *Carrying an adequate number of each type of interview instrument.
(One extra instrument of each type should be carried at all times.)*

If time permits, following each interview, the interviewer should review questionnaires to check for accuracy, legibility, and completeness. This is a good time to record additional remarks. Also, depending on time availability, it may be possible to code questionnaires. Therefore, it is helpful if each interviewer carries a procedures manual throughout the day.

At the end of each day, the team leader should hold a brief meeting to allow all staff to share information obtained during the day. At that time, the schedule for the day should be reviewed so that necessary adjustments can be made and appointments rescheduled. Team members should exchange completed and coded questionnaires so quality control can be checked.

Upon returning from the site, data collection instruments should be prepared for data processing and analyzed, along with secondary data, for the preparation of appropriate reports.

KEY QUESTION: WHAT ARE THE RESULTS OF COURTS TRAINING?

SUB-QUESTIONS (DIMENSIONS OF CHANGE)	VARIABLES	DATA ELEMENTS	SOURCES	MEASURES	ANALYSES
1. To what extent have changes in individuals' knowledge, perspective, and values occurred as a result of training?	• Knowledge	• Changes in participants' substantive knowledge	Participant/Comparisons Interviews Instructor Questionnaires	Open End ↓	Frequency, cross-tabulation with participants and comparison group, Cross-tabulation with role groups ↓
	• Perspective	• Changes in participants' awareness of issues • Changes in participants' awareness of alternative approaches to problems	Participant/Comparisons Interviews (Secondary: Peer and Supervisor Interviews)		
	• Self-Concept	• Changes in participants' professional commitment • Changes in participants' confidence as practitioners	Participant/Comparisons Interviews		
	• Philosophy	• Philosophical changes in the way participants view their profession	Participant/Comparisons Interviews		
	• Values	• Reordering of role priorities	Participant/Comparisons Interviews (Secondary: Peer and Supervisor Interviews)		
2. To what extent have changes in individuals' role-related understanding and skill occurred as a result of training?	• Technical Ability	• Changes in participants' technical proficiency in meeting task requirements	Participant/Comparisons, Peer, and Supervisor Interviews; Instructor Questionnaires		
	• Work Habits	• Changes in participants' work habits, such as time management	Participant/Comparisons, Peer, and Supervisor Interviews		
	• Command of Role	• Changes in participants' capacity for understanding role-related problems	Participant/Comparisons Interviews (Secondary: Instructor Questionnaires)		
		• Changes in participants' capacity for solving role-related problems	Participant/Comparisons, Peer, and Supervisor Interviews		
	• Collegiality	• Changes in the amount of participants' communication and consultation with peers in other courts and jurisdictions	Participant/Comparisons and Peer Interviews	↓	↓

*Participant = Person having attended one or more of the eight training institutes' sessions.

KEY QUESTION: WHAT ARE THE RESULTS OF COURTS TRAINING? - Continued

SUB-QUESTIONS (DIMENSIONS OF CHANGE)	VARIABLES	DATA ELEMENTS	SOURCES	MEASURES	ANALYSES
3. To what extent have changes in individuals' actions and behaviors occurred as a result of training?	• Work Accomplishment	• Changes in the amount of work produced by participants • Changes in the quality of work produced by participants	Participant/Comparisons and Supervisor Interviews	Open End ↓	Frequency, Cross-tabulation with participants and comparison group, Cross-tabulation with role groups ↓
	• Applications	• Changes in the number of technological, procedural, and other changes instituted by participants in their courts	Participant/Comparisons, Peer, and Supervisor Interviews; Records and Reports; other studies		
	• Interaction	• Changes in participants' style of dealing with the general public, court users, and other staff • Changes in others' responses to participants	Participant/Comparisons, Peer, and Supervisor Interviews; Other studies and observations		
4. To what extent have aggregate** changes occurred as a result of training?	• Personnel Stabilization	• Rate of turnover among participants in a given jurisdiction	Records	Ratio ↓	Cross-tabulation with jurisdiction ↓ • Cross-tabulation with concentration level • Cross-tabulation with amount of training
	• Relative Participant Influence	• Amount of change introduced by participants in relation to size of jurisdiction	Participant/Comparisons Interviews (aggregate); Records		
	• Innovativeness	• Amount of change introduced by participants in relation to participant concentration (high-low) in a given jurisdiction • Rate of change per amount of training in a given jurisdiction	Participant/Comparisons Interviews (aggregate); Records		
	• Consensus	• Extent of agreement on the quality of justice provided in a given jurisdiction in relation to the concentration (high-low) of participants	Participant/Comparisons, Peer, and Supervisor Interviews	Ordinal	Cross-tabulation with concentration level

**Within the jurisdiction.

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KEY QUESTION: WHAT ARE THE STRENGTHS AND WEAKNESSES OF TRAINING?

SUB-QUESTIONS (PROCESS DIMENSIONS)	VARIABLES	DATA ELEMENTS	SOURCES	MEASURES	ANALYSES
1. How relevant is training to the work setting?	Applicability to individual needs	- Degree to which training is designed to address individual's function and role - Degree to which training is designed to achieve retention	- Participant Interviews; Instructor Questionnaires; Curricula - Participants; Instructors	Nominal	Cross-tabulation with groups of respondents
	Applicability to sponsoring organization's requirements	- Degree to which training simulates the work setting - Degree to which training is designed to achieve transfer to the work setting	- Participants; Instructors - Participants; Instructors; Peers; Supervisors	Nominal	Frequency Cross-tabulation with groups of respondents
2. To what degree is training sanctioned?	Support of individual participants	Degree to which individual desires to attend training	Participants; Instructors	Ordinal	Frequency
	Support of sender organization	Degree to which organization encourages attendance and reinforces/legitimizes learning back home	Participants; Supervisors; Peers	Nominal plus open end	Frequency, summary
	Support of professional organizations	Degree to which training is endorsed by appropriate professional memberships	Core staff; Instructors; Participants; Professional organizations	Nominal	Frequency
3. How sound is the training approach?	Conceptual Grounding	- Degree to which training design is based on findings in the theory of learning - Degree to which training is upgraded and modified in relation to current state-of-the-art elements of training	Instructor Questionnaires; Training materials	Ordinal	Frequency, Cross-tabulation with instructor type
	Methodology	- Degree to which training is based on needs assessment - Degree to which training provides opportunities for practice - Degree to which training provides meaningful evaluation - Degree to which achievement of objectives is observable	Participant Interviews; Instructor Questionnaires; Training materials	Nominal	Frequency Cross-tabulation with groups of respondents
4. To what degree are training components related?	Needs	Degree to which participants' needs are expressed and considered	Participants; Instructors; Application forms; Evaluations	Ordinal	Frequency

KEY QUESTION: WHAT ARE THE STRENGTHS AND WEAKNESSES OF TRAINING? -- Continued

SUB-QUESTIONS (PROCESS DIMENSIONS)	VARIABLES	DATA ELEMENTS	SOURCES	MEASURES	ANALYSES
4. (Continued)	Objectives	- Degree to which expected outcomes are presented to the learner - Degree to which expected objectives are clear and succinct - Degree to which expected learner is informed of progress re: objectives	Participants; Instructors; Materials	Nominal	Cross-tabulation with type of respondent
	Activities	Degree to which instructional events treat needs and objectives	Participants; Instructors; Materials	Nominal	Summary
	Materials	Degree of continuity between activities and content	Participants; Instructors; Materials	Ordinal	Cross-tabulation with type of participant
5. How "credible" is the instructional staff in the eyes of the participants?*	Perceived Competence	Degree to which instructors' substantive, practical, and teaching expertise is valued by participants	Participants; Post-session evaluations	Nominal plus open end	Cross-tabulation with type of instructor, summary
		Degree to which instructors are called upon for continuing technical assistance after training	Instructors; Core Staff; participants	Nominal	Frequency
		Number of times that instructor is invited back to teach/train	Instructors; Core Staff	Interval	Mean
6. What attitudes are conveyed and disseminated by the programs?	Continuing relations with institution(s)	- Desire for additional training - Desire for institutions/instructors to provide follow-up technical assistance - Frequency of return to training	Participants; Instructors; Core Staff (Outreach Data)	Nominal Interval	Frequency Mean
	Goal referencing	- Degree to which participants say they "buy into" goals - Degree to which participants attempt to make goal-related behavioral and systemic changes	Participants	Open end	Summary

*Participant = Person having attended sessions of one or more of the eight training institutions.

KEY QUESTION: WHAT ARE THE STRENGTHS AND WEAKNESSES OF TRAINING? - Continued

SUB-QUESTIONS (PROCESS DIMENSIONS)	VARIABLES	DATA ELEMENTS	SOURCES	MEASURES	ANALYSES
6. (Continued)	Multiplier Effects	- Degree to which participants publicize institutions to others - Degree to which participants and instructors use institution materials outside	Participants; Peers; Supervisors Participants; Instructors	Nominal	Frequency
7. Is the setting conducive to learning?	Composition of population	Representativeness (of race, sex, age, geography); homogeneity (of functions, experiences)	Participants; Instructors; Core Staff; Prerequisites	Nominal	Frequency
	Program Structure	Class size; duration; location	Participants; Instructors; Core Staff	Interval; Nominal	Mean, Frequency
	Staffing Pattern	Match between instructor expertise and participant roles/needs; instructor availability; number of contact hours	Participants; Instructors; Core Staff; Evaluations	Nominal; Interval	Frequency, Mean
	Modeling	Degree to which desired behaviors and skills are reinforced in various aspects of training	Participants; Instructors; Evaluations	Nominal	Frequency
	Facilities	Adequacy of support services	Participants; Instructors; Evaluations	Ordinal	Frequency
8. By what processes are the training events managed?	Needs Analysis	Degree to which programs are based on training population's professional needs	Core Staff; Instructors; Participants	Nominal plus open end ↓	Frequency and Summary ↓
	Direction; Communication; Coordination	Degree to which objectives, procedures, and responsibilities are clear	Instructors		
	Problem-Solving	Degree to which procedures exist and are utilized	Instructors		
	Feedback and training for instructors	Degree to which instructors are appraised of expectations and performance; given orientation and developmental training	Instructors		
	Evaluation	Degree to which program modification is information-based	Instructors; Participants; Core Staff		

KEY QUESTION: WHAT ARE THE STRENGTHS AND WEAKNESSES OF TRAINING? - Continued

SUB-QUESTIONS (PROCESS DIMENSIONS)	VARIABLES	DATA ELEMENTS	SOURCES	MEASURES	ANALYSES
9. By what processes are core staff operations managed?	Decision Making	Degree to which decisions are policy-based	Board Minutes; Board Member Questionnaire	Nominal plus open end ↓	Frequency and Summary ↓
	Communication	Degree to which decisions are transmitted to organization members	Core Staff		
	Coordination	Degree to which authority is delegated and lines of authority are clear	Core Staff; Job Descriptions		
	Problem-Solving	Degree to which problem-solving procedures are defined and utilized	Core Staff; Procedures Manuals		
	Monitoring	Degree to which policy changes are influenced by feedback and needs assessment	Board Minutes; Board Member Questionnaire; Core Staff		
10. What are the unit (i.e., participant-day) costs associated with different types of training?	- Costs - Training Inputs - Participants	- Scope, nature, and duration of each seminar - Total costs covered by institutional funds - Total number of participants	- Budgets - Grant applications - Annual reports - Core staff interviews	Open End Ratio	Summary Descriptive Statistics

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PROJECT DIRECTOR QUESTIONNAIRE

PROJECT _____
RESPONDENT _____
INTERVIEWER _____
DATE _____

1. Goals & Objectives of the Institute

Oral Statement:

Where Documented:

2. Role, Image or Self - concept as an organization

3. Policy

Who sets it?

Where contained or found?

4. Funding & Budget: Source(s), Development of Budget, etc.

5. Program

- a. Who responsible for design and development?
(See these persons to administer curriculum development
questionnaire)

5. Program (cont.)

- b. Overview of activities and rationale for major strategies (e.g., longterm programs, short workshops, publications research, etc.)

6. Staff:

- a. Recruitment & selection process. Criteria

- b. Tenure, benefits

- c. Use of ad hoc, guest teachers, consultants, etc. -- frequency and rationale

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7. Trainees:

a. Target group(s) - outreach, recruitment & advertising

b. Method of selection. Rationale

c. Ongoing relations - Alumni

8. Relationship to other Affiliations.

9. Collaboration with other Institutions or Organizations.

10. Complementarity (or competition) with any other group.

11. Major Challenges to providing quality service (problems, weaknesses)

12. Major Strength of the Institute

13. Provisions for Evaluation and Assessment

14. Follow-up on earlier evaluations (e.g., Center for State Courts Evaluation in 1974. Have they done what they said there were going to do?)

-5-

15. Future Plans. What's on the drawing board?

16. The evaluation.

a. What outcomes would you like to see?

b. How would you measure your success?

c. Any cautions or recommendations for the evaluation?

d. Reaction to use of CJ or law students for data collection?

(INCORPORATE WITH PROJECT DIRECTOR QUESTIONNAIRE)

ACTIVITIES ANALYSIS 5-year Trend Survey

PROGRAM CHARACTERISTICS*	1974	1975	1976	1977	1978
Goals					
Number of Programs Offered					
Number of Contact Hours					
Number of Participants					
Categories of Participants (target audience)					
Focus of Content					
Regional issues					
Topics (judicial proc., pre-trial, etc.)					

*Responses should reflect predominant categories or issues.

Project _____
Interviewer _____
Source/Date _____

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ACTIVITIES ANALYSIS DATA

Staff Types:

1. Admin. Judge
2. Court Administr.
3. Court Clerk
4. Defender
5. Prosecutor
6. Trial Judge
7. Lower Court Judge
8. Other

Agency Type:

1. Appellate Court
2. Felony Court
3. Misdemeanor Court
4. Public Defender Ofc.
5. Attorney/D.A.
6. Lower Court
7. Other

System Type:

- A. U.S. District Court
- B. State Court
- C. Local Court

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MANAGEMENT AND ADMINISTRATION
CHECKLIST

PROJECT _____

DATE _____

INTERVIEWER _____

1. MANAGEMENT AND ORGANIZATION

1. Organization Chart

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

2. Policy Manual

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

3. Procedural Manuals

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

4. Statement of Mission and Functions

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

5. Management Information Systems

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

6. Delegation of Authority and Responsibility

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

7. Planning and Budgeting Procedures

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

2. FISCAL

1. Accounting Procedures

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

2. Purchasing Procedures

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

3. Auditing Procedures

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

4. Property Management and Inventory

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

5. Payroll Procedures

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

6. Cash Disbursement Capability (Checking Accounts)

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

7. Journals (Original Entries)

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

8. Ledgers (Final Entries)

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

9. Petty Cash

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

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10. Travel Advances, etc.

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

3. PERSONNEL

1. Personnel Manual or Procedures

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

2. Job Descriptions

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

3. Salary Classifications

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

4. Staff Recruitment

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

5. Fringe Benefits

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

6. Discipline and Grievance Procedures

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

7. Staff Evaluations

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

8. Staff Attendance

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

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4. CONSULTANTS AND GUEST LECTURERS

1. Policies and Procedures

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

2. Recruitment

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

3. Supervision

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

4. Compensation

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

5. Evaluation

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

5. EQUIPMENT

1. Maintenance Contracts

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

2. Rules for Use of Equipment, including Location of Operation and Repair Manuals

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

3. Insurance

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

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6. OTHER

1. Materials Developed In-house

1. Index, Filing System (i.e., can topics be located)

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

2. Inventory

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

2. Commercial Materials Purchased for Use

1. Index, Filing System (i.e., can topics be located)

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

2. Inventory

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

3. Locator System for Non In-house Materials Frequently Used

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

4. Public Relations, Information, Education, Etc.

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

5. Outreach and Development (Marketing Services)

C	1	2	3	4	5
Q	1	2	3	4	5
E	1	2	3	4	5

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KEY TO MANAGEMENT AND ADMINISTRATION CHECKLIST

C - Condition

1. nonexistent
2. highly informal
3. utilizes item of parent organization
4. somewhat developed by the project
5. highly developed, specifically for CTP needs

Q - Quality

1. poor (among the poorest ever seen)
2. below average
3. average
4. above average
5. outstanding (among the best ever seen)

E - Effect

1. condition and/or quality of this item cause(s) severe operating problems
2. C and/or Q of this item cause occasional or slight operating problems.
3. C and/or Q of this item has little or no effect on project operations
4. C and/or Q of this item aids the project operations
5. C and/or Q of this item greatly enhances project operations.

1. American/Alaskan Native
2. Asian/Pacific Islander
3. Black, not Hispanic
4. Hispanic
5. White, not Hispanic

PROJECT

DATE _____

INTERVIEWER

DATA SOURCE(S)

C O N T E N T S

1.Admin.Law Proc	6.Defender Proc	11.Investigations	16.Pre-trial Proc	21.Other
2.Appellate Proc	7.Forensic Sci	12.Law Ofc Mgt	17.Sentencing	
3.Behavioral Sci.	8.Grand Jury Proc	13.Legal Rsrch/Wrtng	18.Social Svcs	
4.Civil Law	9.Judicial Proc	14.Mgt Info Sys	19.Trial Proc (courtroom)	
5.Crt Adm/Mgt	10.Juvenile Justice	15.Motions	20.Prosecutor Proc	

[illegible]

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PROJECT BUDGET, 197_-7_

PROJECT _____

DATES (FY) _____

SOURCE _____

1. REVENUE

Cash

In-kind

Tuition/fees:

LEAA Funding:

Sponsor Funding:

Other: _____

Other: _____

TOTAL:

2. EXPENDITURES

Salaries and wages:

Fringe benefits:

Communications and Utilities:

Travel (specify):

Contractual Services (specify):

Supplies and Materials:

Current fixed charges:
(e.g. rent, mortgage)

TOTAL EXPENDITURES:

Unexpended Balance:

PROJECT BUDGET - 2

PROJECT _____

FUNCTIONAL CATEGORIES
(Expenditures)

SOURCE _____

INSTRUCTIONAL

(Salaries, etc.)

INSTRUCTIONAL SUPPORT

(Support staff, materials, etc.)

STUDENT SERVICES

(Meals, counseling, etc.)

INSTITUTIONAL SUPPORT

(Admin. salaries, etc)

OPERATION AND MAINTENANCE OF PLANT

(Custodial, utilities, etc.)

OTHER

CONTINGENCY

TOPIC GUIDE FOR INTERVIEW ON CURRICULUM

PROJECT _____

INTERVIEWER _____

RESPONDENT(S) _____

DATE _____

PLANNING

1. Needs assessment?
2. If so, what did it tell you?
3. Where is it documented?
4. Role of needs assessment in curriculum planning?

STAFFING

5. Description of recruitment and selection processes, including criteria, for full-time staff.
6. Use of consultants, guest lecturers, etc. Criteria.
7. Provisions for staff training.

-2-

COORDINATION

8. Who is responsible for overall coordination of curriculum development?
9. Who is involved in design and development? How is involvement determined?
10. What groups, either inside or outside of the Institute, are involved?

COLLECTING AND DEVELOPING MATERIALS

11. Are the materials used developed primarily within the Institute, or imported?
If internal, by whom? If imported, from where?
12. What is the basis for determining both the kinds of materials used and specific titles? Who makes the determination?

STRATEGY AND DELIVERY

13. How are the instructional objectives determined?
How are the objectives measured?
14. What approaches and activities are employed?
How are they determined?
15. What topics are covered? How are these determined?

-3-

EVALUATION

16. What provisions are made for evaluating curricula and curriculum development? What provisions are made for modification of curriculum?
17. Has the Institute made use of any earlier evaluations? If so, which evaluations?
18. What do you see as the major strengths of the Institute's curriculum development and instructional process?
19. What do you see as the process's major problems, weaknesses, impediments?
20. What, if anything, would you like to see changed in the curriculum development and instructional process?

Seminar:

Institute:

TRAINING OBSERVATION GUIDE

Date:

Directions: Cite observable evidence when reporting on each component; then rate the quality of each subcomponent, using the "key" provided. In the anecdote section, record salient conversations with faculty and participants which will provide insights to any major variations between the seminar which you are observing and the "typical" training provided by the Institute. Also, record any other comments which you consider important for your report and for the overall evaluation.

- KEY: 5: Outstanding provisions; meet all needs to a high degree
4: Above average provisions; generally meet all needs
3: Good, average provisions; meet most needs
2: Minimal provisions; meet some needs, some problems evident
1: Nonexistent or virtually nonexistent; obvious problems

Racing

ENVIRONMENT

1. Comfort quotient: lighting, air, heating, cooling, smoke, chairs, writing surface, acoustics, etc.
2. Atmosphere conducive to learning: "academic" atmosphere, distracting factors, library.

SUPPORT SERVICES

1. Advance information: agenda, lodging, transportation, etc.
2. Information provided during conference: local events and attractions, resources to meet personal needs, etc.
3. Lodging accommodations: proximity, how comfortable, clean, etc.
4. Meals, coffee breaks: timeliness, convenience, quality.
5. Social events (cocktail sessions, celebrations, outings, etc. designed to support the training objectives).
6. Provisions for spouses (activities apart from and together with participants).

Rating

INSTRUCTIONAL PROGRAM _____

- ___ 1. Clear statement of goals and objectives.
- ___ 2. Mix of methodologies used: lecture, discussion, problem solving, simulations, etc.
- ___ 3. Evidence of preparation on the part of the faculty.
- ___ 4. Use of audio-visual materials, handouts.
- ___ 5. Provisions for participant involvement.
- ___ 6. Provisions for evaluation and feedback (during and after seminar).
- ___ 7. Nature of faculty response to participant questions, observations.
- ___ 8. Faculty attention to special needs and sensitivities (e.g., sexism, racism, geographic differences, etc.).

PARTICIPANT RESPONSE _____

- ___ 1. Attendance and punctuality at sessions.
- ___ 2. Participation levels: questions, attention, and other nonverbal reaction, inputs, etc.
- ___ 3. Reaction to faculty: opinions expressed, innuendos, etc.

CONFERENCE MANAGEMENT _____

- ___ 1. Technical supervision and coordination (i.e., curriculum and learning activities).
- ___ 2. Logistics: registration, materials, meeting rooms, etc.
- ___ 3. Provisions for punctuality.

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ANECDOTES: (Use separate sheet.)

IMPACT EVALUATION OF COURTS TRAINING

PROCEDURES MANUAL

1. **PROJECT ABSTRACT**
2. **PROJECT CONTACT LIST**
3. **PRE-SITE VISIT INFORMATION**
4. **SITE MANAGEMENT PROCEDURES**
5. **INSTRUCTIONS TO THE INTERVIEWER**
6. **QUALITY CONTROL PROCEDURES**
7. **CODING INSTRUCTIONS – PARTIAL SAMPLE INCLUDED**

1. PROJECT ABSTRACT

IMPACT EVALUATION OF COURTS TRAINING

SPONSOR : U.S. Department of Justice, Law Enforcement Assistance Administration (Mr. Gregory Brady, Adjudication Division, LEAA, 202-376-3615)

TERM : 10-1-78 to 10-1-79

LEAA has selected eight national training programs for evaluation. They represent some of the leading national institutions for training prosecuting attorneys, defense lawyers, court administrators, trial judges, and appellate judges. McManis Associates (McM) is evaluating the process and impact of training on the participants and the criminal justice system.

The evaluation involves analysis of data obtained through on-site surveys of the eight training institutions as well as interviews with a sample of former participants at 12 sites throughout the U.S. In addition to survey data, case study information on the study sites will be collected as a context within which to assess the training results.

2. PROJECT CONTACT LIST

PROJECT MONITOR

Gregory Brady
LEAA/Adjudication Division
633 Indiana Avenue, N.W.
Washington, D.C.
(202) 376-3615

TRAINING INSTITUTE

Justice Harry A. Spencer, Program Director
Appellate Judges' Conference
American Bar Association
1155 E. 60th Street
Chicago, Illinois 60637
(312) 947-3950

Douglas Lanford, Executive Director
American Academy of Judicial Education
1426 H Street, N.W.
Washington, D.C. 20005
(202) 783-5151

Judge Ernst John Watts, Dean
National Judicial College
University of Nevada
Reno, Nevada 89557
(702) 784-6747

Harvey Solomon, Executive Director
Institute for Court Management
Denver, Colorado 80202
(303) 534-3063

Kenneth S. Brown, Director
National Institute for Trial Advocacy
School of Law
Chapel Hill, North Carolina 27514
(919) 967-2276

Nicholas Scoppetta, Director
Institute of Judicial Administration
One Washington Square Village
New York, New York 10012
(212) 598-7721

John Jay Douglass, Dean
National College of District Attorneys
College of Law, University of Houston
Houston, Texas 77004
(713) 749-1571

John E. Ackerman, Dean
National College of Criminal Defense
Lawyers and Public Defenders
University of Houston
Houston, Texas 77004
(713) 749-2283

3. PRE-SITE VISIT INFORMATION

- A. Information to be collected upon selection of sites and during protocol contacts/visits:**
1. National Center for State Courts – studies, descriptions of jurisdiction
 2. State Plan from LEAA – management/organization chart, training provisions
 3. Jurisdiction's Report to State Court Administrator
 4. Previous studies, reports of court watchers, etc.
 5. Annual reports generated by the jurisdiction
 6. Court calendars – judges, etc., for scheduling interviews
 7. Names, addresses, and phone numbers of judges, court administrators, prosecutors, and public defenders within each jurisdiction
- B. Written summary of each site for briefing the data collection teams:**
1. Demographics of area by city, county, borough, socioeconomics, race, age distribution, etc.
 2. Jurisdictions and interjurisdiction relationships:
 - Types of cases tried within each jurisdiction
 - Numbers of judges; their deployment; elected or nonelected
 3. Description of court management:
 - Positions, responsibilities
 - Management information systems
 - Calendaring system; case management system
 4. Description of prosecutor's office:
 - Number of staff; elected DA or not
 - Deployment of staff

5. Description of indigent criminal defense system:
 - Number of staff
 - How retained and deployed; elected PD or not
6. Special conditions:
 - Local holidays, events, circuit schedules
 - Sensitivities, etc.
7. Roster of interviews (with positions, addresses, and phone numbers)
Roster of mail survey (with positions, addresses, and phone numbers)

4. SITE MANAGEMENT PROCEDURES

A. Six to Eight Weeks in Advance

1. LEAA/McM protocol letters and follow-up phone calls to chief justice, presiding judge, chief prosecutor, chief defender, chief court administrator, director of state planning agency, and director of regional planning unit.
2. Protocol "screening" visit to state sites:
 - Meet with aforementioned principals
 - Verify names and location of respondents
 - Identify comparison group, peer/supervisor interviewees
 - Collect preliminary materials (annual report, etc.)
3. Introductory letters to respondent groups — on site (attach letters of introduction from chief justice and/or national organizations):
 - Trainees
 - Comparisons
 - Supervisors

B. Three to Four Weeks Before Site Visit

1. Phone calls to interviewees — schedule appointments.
2. Draw up an interview schedule matrix for the entire survey team.
3. Make all transportation and lodging arrangements.

C. Ten Days to Two Weeks Before Site Visit

1. Send letters to respondents confirming the time of the appointment, specifying the name of the interviewer and providing a contact name and number if a change in the appointment is necessary.
2. Assemble interviewer materials (see *Attachment A*).

CHECKLIST OF ITEMS NEEDED FOR SITE VISIT

1. Required number of copies of each instrument
2. Extra copies of each instrument
3. "Show" card for questions 13-15 of participant interview
4. Copies of project abstract
5. Copies of letters of endorsement from the chief justice and national organizations
6. Master list of participants, comparisons, supervisors for that site, alphabetical by role group (*Exhibit B*)
7. Interview schedule matrix (*Exhibit C*)
8. Business cards/addresses for later mailing of materials not yet available
9. City street map
10. Coding instructions section of Procedures Manual

SITE MASTER LIST

Item 1 - Interviews

Role Group:	Institution	Type of Interview P = Participant C = Comparison S = Supervisor	Date Interviewed/ Total Time	Follow-Up	Comments
Name/Address/Phone Number/ I.D. Number					

SITE MASTER LIST

Item 2 - Questionnaires

Name/Address/Phone Number/ I.D. Number	Institution	Date Mailed	Date Return Requested	Date Received	Follow-up (Date & Initials)	Comments

INTERVIEW SCHEDULES FOR: DAY _____ DATE _____

Sample: Interviewer's Name Time (9 am - 10 am) Interviewee's Name Title Address				

D. On-Site Agenda

1. Protocol interviews with court and adjunct persons identified
2. Conduct interviews with trainees, comparisons, and supervisors
3. Following each interview, check questionnaires for completeness and code
4. Hold daily team meetings to assess interviews and data collection
5. Make call-back interviews as necessary
6. Collect materials for case study (see *Exhibits D and E*)
7. Exit meeting with principals:
 - Check on materials
 - Arrangements for collecting data not readily available

E. Follow-Up

1. Thank you letters to principals on site
2. Draft narrative portion of case study

**DOCUMENTS TO OBTAIN FROM EACH SITE
(IF AVAILABLE)**

Check Off As Obtained:

- _____ Annual report (if not obtained earlier)
- _____ Statistical report
- _____ Statement of goals, objectives
- _____ Organization chart of courts, prosecutor, and defender agencies
- _____ Case flow charts
- _____ Document outlining court rules
- _____ Court rules of individual judges in sample
- _____ Description of management information systems (sample forms)
- _____ Jury handbooks
- _____ Jury management reports or related information (questionnaires, court watchers reports, etc.)
- _____ Defendant handbooks (orientation materials)
- _____ Witness orientation documents, procedures
- _____ Copy of training materials, agenda, etc., used (if they have a program)

CASE STUDY REPORT OUTLINE

PURPOSE OF CASE STUDIES:

- To provide a context for describing training needs, incidence of training and the degree to which changes are effected by training.
- To assess the interaction between various types of training received and the impact upon certain role groups and within certain types of jurisdiction.
- To document the relationship, if any, between the incidence of training within a jurisdiction and the extent of change within the jurisdiction.
- To provide systemic verification (or invalidation) of effects attributed to training by participants.

1. SUMMARY OF FINDINGS

1. Introduction
2. Major trends and events in the jurisdiction
3. Incidence of training within the jurisdiction
4. Impact of training within the jurisdiction

2. DESCRIPTION OF THE AREA

1. Demographics, geography, industry, etc.
2. Overall description of court jurisdictions and interjurisdiction relationships in the area:
 - Lower Courts
 - Trial Courts
 - Appellate Courts
3. Crime rates, system changes, and other trends over past 5 years

3. THE TRIAL COURTS AND TRAINING

1. Organization
2. Management
3. Caseload information
4. Incidence of Courts Training
5. Impact of Courts Training — quantitative and qualitative, by role type and within the total jurisdiction

4. APPELLATE COURT(S) AND TRAINING

1. Organization
2. Management
3. Caseload information
4. Incidence of Courts Training
5. Impact of Courts Training – quantitative and qualitative

5. PROSECUTOR SYSTEM

1. Organization
2. Management
3. Caseload information
4. Incidence of Courts Training
5. Impact of Courts Training – quantitative and qualitative

6. DEFENDER SYSTEM

1. Organization
2. Management
3. Caseload information
4. Incidence of Courts Training
5. Impact of Courts Training – quantitative and qualitative

5. INSTRUCTIONS TO THE INTERVIEWER

A. GENERAL

1. Identify yourself and the study; state respondent's rights. (See sample format for introductory remarks.)
2. Give information willingly but do not give *opinions* about the training institutes or how the data will be used by LEAA.
3. If the respondent is upset because you are not familiar with his/her court, etc., explain that we are visiting several court systems nationwide; that each one is different from the others; and that we may therefore not always use terminology that is specific to this court.
4. Adapt references to the institution in the questionnaire by referring to the "Institute," "academy," or "college" — as appropriate.
5. When the instrument calls for probing for a more in-depth answer, be aware that the respondent may have already given a sufficient response. If so, simply note it without further questioning.
6. If the interview is terminated before completion, ask if you can finish at another time (even by phone) and suggest a time you can call again. If that suggestion is rejected, thank the respondent and leave. Do not leave the instrument for the respondent to complete.
7. Before exiting, give a brief wrap-up: thank the respondent for his/her time and interest; note that the results of the study will be available through LEAA; and that the contractor will not be distributing the reports.
8. Complete the information called for on the cover sheet/contact record and on the interviewer observations at the end of the instrument.
9. Before leaving the site, the team leader will complete a 1-3 page Site Summary Report which will include:
 - A quality control summary regarding completeness of interviews, etc.
 - Particular events that impacted on the data collection.
 - Difficulties with the instruments and/or respondents.
 - Overall impressions — outstanding features, reception, etc.
 - Questions that should be asked of the data, ideas to be developed, etc.

- Necessary follow-up action to be taken.

Each interviewer should provide the team leader with documentation and information for this report.

B. INSTRUMENT-SPECIFIC INSTRUCTIONS

1. Probe questions for participant interview

Q.11: This is an open-ended/close-ended question. If answer is "yes," ask "how?" Write down key phrases from the response verbatim. Then, if necessary, probe to obtain a response in terms of the quality of justice and efficiency.

Q.12: For each training course attended, note *who paid* for the training with the following codes:

- | | |
|--------------------------------|--------------------|
| 1. State/local government | 5. LEAA |
| 2. Employer, other than gov't. | 6. Other (specify) |
| 3. Individual | 9. Unknown |
| 4. Individual and employer | |

Q.16: Note the names of outstanding faculty and their topic areas if offered by the respondent. This will be helpful in later relating specific kinds of training to perceived effectiveness.

Q.22: If the respondent has attended more than one of the 8 institutes, ask this question for each of those attended.

2. Probe questions for comparison interview

Q.12: For each training course attended, note *who paid* for the training with the following codes:

- | | |
|--------------------------------|--------------------|
| 1. State/local government | 5. LEAA |
| 2. Employer, other than gov't. | 6. Other (specify) |
| 3. Individual | 9. Unknown |
| 4. Individual and employer | |

If the respondent has attended any of the 8 Courts Training institutes prior to 1970, ask him/her to assess the training in terms of its strengths and weaknesses. Record the comments in the space after Question 12.

You may also wish to obtain general information regarding the availability of training, perceived need for training in the jurisdiction, etc.

Sample

INTRODUCTORY REMARKS TO PRECEDE
PARTICIPANT/COMPARISON INTERVIEWS

Good morning, afternoon, or whatever, Judge _____
Justice _____
Mr. _____
Ms. _____

I'd like to introduce myself, I'm from McManis Associates, a research firm located in Washington, D.C. As you know from our recent letter, McManis Associates is studying training programs for judges, advocates, and court administrators. *Included in the study are a number of training programs, among them (Name of institute or college), where we understand that you participated in training.

I appreciate your taking time from your busy schedule to talk with me. Since your time is limited, I will make the interview as brief as possible. (Ask what time constraints they are under.)

Your response, of course, is voluntary. You are free to answer or not answer any question. Your responses are strictly confidential. Neither cities nor individuals will be identified in our report since the data will be aggregated. In turn, we hope you will feel free to answer questions as honestly and as fully as possible.

Do you have any questions about the study? (If not, begin with next paragraph.)

(If yes, answer question as concisely and accurately as you can, without giving opinions.)

Before I ask any questions about your training experiences, I'd like to get an idea about your background, employment, and so forth.

(Interviewer's own personal style will help to create a smooth transition into the questioning phase of the interview.)

At conclusion of interview, thank the respondents for their time and inquire if they have any further comments or questions concerning the study.

*Omit this sentence in comparison interviews.

6. QUALITY CONTROL PROCEDURES

Interviewer Responsibilities:

- Check all instruments for completeness, legibility and internal consistency
- Note reasons for incompleteness under interviewer observations
- Code all instruments

Team Leader Responsibilities:

- Carefully review the completed first interviews performed by team members for each respondent type at the conclusion of the first day of interviews
- Review a 20% sample of all site interviews for completeness, internal consistency, legibility, and full documentation
- Have a team member perform a similar review of 20% of team leader's completed interviews

Data Manager Responsibilities:

- Review 100% of all instruments for completeness, internal consistency, coding errors, and legibility
- Tabulations of quality control findings together with recommendations for corrective action to be submitted to team leaders and project director on a weekly basis
- Quality control summary write-up at the conclusion of the field data collection

7. CODING INSTRUCTIONS
(Partial Sample Included)

INSTRUMENTS

- 08 – Participant Interview
- 09 – Participant Questionnaire
- 10 – Comparison Interview
- 11 – Supervisor/Peer Interview*
- 12 – Instructor Questionnaire
- 13 – Board of Directors Questionnaire
- 18 – Participant Interview – Second Institute
- 20 – Participant Questionnaire – Second Institute

*Analysis will be done manually – no coding needed

Questionnaires

1. Precode respondent code
2. Log returns
3. Check instrument for completeness
4. Code responses where necessary using coding manual
5. Sign Q.C. on each page checked

Interviews

1. Precode respondent code
2. Conduct interview
3. Code responses where necessary using coding manual
4. Check instruments for completeness
5. Explain any nonresponse on cover sheet
6. Have instrument checked for Q.C.
7. Q.C. — sign each page checked

10 - COMPARISON INTERVIEW
(18) 08 - PARTICIPANT INTERVIEW
(20) 09 - PARTICIPANT QUESTIONNAIRE

Card Column(s) Card Number 1	Question No./ Description	Codes
1-2 3-4	Instrument Site	Precoded '08' '09' or '10' 01 - Boston, MA 07 - Kansas City, MO 02 - Buffalo, NY 08 - Salt Lake City, UT 03 - Pittsburgh, PA 09 - San Francisco, CA 04 - Frankfort, KY 10 - Salem, OR 05 - Milwaukee, WI 11 - W. Palm Beach, FL 06 - Dallas, TX 12 - Columbus, OH
5-7	Respondent Number	To be assigned before interview
8	Participant Role Group	1 - Appellate judge 5 - Public defender 2 - Trial judge 6 - Court administrator 3 - Non-lawyer judge 7 - Court clerk 4 - Prosecutor 8 - Other
9	Institute Attended	1 - NCDA 5 - AAJE 2 - NCCDLPD 6 - IJA 3 - ICM 7 - AJC (ABA) 4 - NJC 8 - NITA (Use Comparison Interview and fill in code if last attended training before 1970.)
10	Institute Attended	Same codes as CC*9 if respondent attended more than one institute, otherwise leave blank.
11	Court Level (for judges only)	1 - Lower trial court 2 - General trial court 3 - State intermediate appellate court 4 - State court of last resort 5 - Federal trial court 6 - Federal appellate court 7 - Other
12	Jurisdiction (for judges only)	1 - General 2 - Limited
13	Type of Court (for judges only)	1 - Criminal/civil 4 - Juvenile 2 - Criminal only 5 - Other 3 - Civil only
14-15	A.1 Position	01 - Appellate judge 08 - Court clerk 02 - Trial judge (lawyer) 09 - Central staff 03 - Trial judge (non- attorney lawyer) 10 - Attorney (private practice) 04 - Administrative judge 11 - Teacher (law/ 05 - Prosecuting attorney court-related) 06 - Defense attorney 12 - Other (law/court- 07 - Court administrator related) 13 - Other (non-legal/non-court) 14 - Retired 99 - No response

*Card column (cc)

APPENDIX D

**TRAINING AND ITS EVALUATION;
COURTS TRAINING**

TRAINING AND ITS EVALUATION: AN OVERVIEW OF LITERATURE, CONCEPTS, AND METHODS

INTRODUCTION: THE INTERPLAY OF TRAINING AND EVALUATION

In recent years, applied behavioral and social scientists have shown increasing interest in two technologies for planned change. The first is training, the systematic acquisition of skills, rules, concepts, or attitudes that result in improved performance in another environment (Bass and Vaughan, 1966; Goldstein, 1974). The second is evaluation research, a technology whose tasks are to assess a situation or program by measuring key variables (Suchman, 1967; Weiss, 1972a), formulate policy problems (Gordon and Morse, 1975), signal whether important changes are occurring (Angrist, 1975), and provide useful feedback for more informed decision making (Rivlin, 1971; Alkin, 1972; Rossi, 1972).

In nature and purpose, training and evaluation are mutually reinforcing. Both stress compatible, often synonymous outcomes. Both are essentially action-oriented. Both are concerned with more relevant objectives and more purposive utilization of resources. Both are directed toward the increase of overall program effectiveness. However, particularly in light of the centrality of change issues in applied behavioral science literature and the prevalence of training and evaluation activities in administrative circles, there has been a surprising lack of actual convergence of the two technologies. The chief result is that little systematic evidence regarding the efficacy of training programs has emerged.

There has been a vast growth in the quantity of training activities in all types of settings over the past 25 years. However, with notable exceptions (e.g., Miles, 1960, 1965; Goodacre, 1957; Fleishman *et al.*, 1955; Baum *et al.*, 1970; Roy and Dolke, 1971), the quality of training evaluation has not progressed proportionately (Castle, 1952; French, 1953; Schafer, 1961; Cohen, 1970; Campbell *et al.*, 1970; Campbell, 1971). Goldstein (1972), for example, has lamented the "anemic," inconclusive, and unreliable findings following long-term and sizeable expenditures for manpower training. Similarly, in their review of the literature, Carroll, Paine, and Ivancevich (1972) identified large gaps in our knowledge of the effectiveness of various training methods, many limitations in the studies conducted, and great variability in the amount of research carried out on particular instructional techniques.

Four principal reasons seem to account for these inadequacies in the evaluation of training: (1) the lack of personnel trained in evaluation methodology (Guba, 1969); (2) inattention to the need for evaluation on the part of training administrators (Howell and Goldstein, 1971); (3) difficulties in securing significant information (Guba, 1969); and (4) the difficulty in finding acceptable criteria or measures of success (MacKinney, 1957). The first two problems are functions of attitude and circumstance; any solution to them will depend on the passage of time, educative discussion, and experience. The third and fourth problems are methodological challenges; their very existence defines the nature of evaluation research.

THE ELEMENTS OF EFFECTIVE TRAINING: VARIABLES AND PRINCIPLES OF LEARNING

Although the number of controlled studies concerning training effectiveness is markedly limited, an extensive body of practitioner experience has been amassed in both training and evaluation. Together with general learning theory and the more rigorous of the empirical studies, this corpus reveals key dimensions of the training enterprise. Lippitt (1976) has extracted a sequence of criteria from the accumulated training experience and presented a useful, integrated guideline by which program viability can be described.

VARIABLES

Lippitt's sequence begins with *relevant needs*. In other words, the training process should be applied to both system requirements and the felt stresses of individual participants. At the same time, skills for assessing *future needs* should be imparted as well. Once needs have been assessed, they should be stated as clear objectives that are succinct, thoroughly understood by all concerned, measurable, and supported by comprehensive content and appropriate instruction.

Additionally, the outcomes which these objectives describe must be *skill oriented* in order to enhance the individual's ability for *accomplishment* within his or her work setting. To do this, the outcomes or learnings must be *unique* and *flexible*, that is, pragmatically adapted to the work situation, geared to its changing needs, and mindful of its *value system* and expectations.

It is crucial that these learnings be planned, designed, and supervised by *professional leaders* who are qualified by appropriate education, practice, skills, and ethics. Relatedly, the training must include the technology, concepts, and methods to produce meaningful *evaluation*, a process that is strengthened by the provision of an adequate *information system*.

Finally, *organizational support*, or the commitment of and legitimization by the system's leaders, is a critical variable of training effectiveness, as is increased *participant commitment* to the renewal of the system.

LEARNING THEORY

Training programs are based on the assumption that what is taught in the program will transfer to new situations (Ellis, 1965). Certainly there is no more important topic in the psychology of learning than the concept of transfer (Deese, 1958).

From the earliest nonanalytic research (i.e., *Did* transfer occur?) to contemporary analytic studies (i.e., *Why* did it occur?), valuable insights into the essence of training have emerged (e.g., Thorndike and Woodworth, 1901; Woodrow, 1927; Osgood, 1946; Underwood, 1957). Historically, however, there has been a wide gap separating learning theories and principles from what is actually needed to improve performance (McGehee and Thayer, 1961; Howell and Goldstein, 1971). The recognition of this separation has led a number of researchers to believe that an intervening link must be developed between the theorist in the laboratory and the practitioner in the applied setting (McGehee, 1958; Gagné, 1962; Bruner, 1963).

The results of efforts to bridge the gap between theory and practice have been useful in suggesting various ways for producing transfer to new learning situations. Ellis (1965), for example, has drawn from empirical principles of transfer to urge that: (1) the similarity between the teaching and the ultimate testing situation be maximized; (2) adequate opportunities for practicing the task be provided; (3) a variety of stimulus situations be offered; (4) important features of the task be identified; and (5) general principles or rules be learned which are appropriate in solving new problems.

More recently, Gagné (1970) has concretized these points in a checklist of concise steps for designing and implementing training. According to Gagné, training should: (1) develop and maintain learner attention; (2) present the expected outcomes to the learner; (3) stimulate the recall of pertinent pre-training abilities; (4) familiarize the learner with the stimulus material necessary for each learning task; (5) guide the learner and offer opportunities for practice; (6) inform the trainee of his/her progress; (7) assess performance; (8) design the program to achieve transfer; and (9) design the program to achieve retention.

For the most part, then, there is little disparity between experientially and theoretically derived dimensions of training. Broadly, instructional effectiveness may be characterized as individually relevant, organizationally applicable, specified, monitored, appropriately staffed, and sanctioned. It remains for the research to test and develop these parameters.

THE EVALUATION OF TRAINING

The elements of training discussed in the preceding section have not, in the main, emerged from controlled study. Yet there is a slowly developing body of research concerned with exploring training dimensions and refining our knowledge of them through evaluation methodology.

APPROACHES: MEASURES OF OUTCOME, PROCESS, AND COST BENEFIT

The starting point for most evaluation studies is the question of whether or not a particular program has made a difference. In other words, did changes occur as a re-

sult of training? (Blumenfeld and Holland, 1971). Such evaluations are termed summative or impact evaluations, and their major emphasis, or final product, is program appraisal.

Summative evaluations rely on outcome measures which refer to criteria of achievement, such as learning and performance. While these measures are critical in determining the viability of training, they do not determine the reasons the performance criteria were achieved by the participants. Thus, some authors (e.g., Cronbach, 1963; Weiss and Rein, 1972), have stressed the importance of process measures that examine what happens during training and permit the researcher to explore the meaning of his/her outcome measures (Goldstein, 1974). Process evaluation, then, is formative (Scriven, 1967); that is, it determines whether the program is operating as originally planned, whether improvements are necessary, and whether resources are being effectively and efficiently used. Of course, the two modes are interactive to the extent that process criteria supply the information necessary to interpret impact data, just as impact data can affect process revisions.

Cost-benefit analysis, particularly the retrospective calculation of returns on past programs, is a logical extension of evaluation research (Weiss, 1972b). Through such analysis, the investigator looks at the resources expended in conducting a program and then tries to put them into a common unit of measure—the dollar. In order to affix dollar values to an effect, however, it must first be determined that an effect has indeed occurred and in what magnitude. Subsequent judgments regarding the effect's utility depend on whether the benefits or positive outcomes of a program are larger than its costs. Two important measurement issues confront the cost-benefit analyst. First, costs and benefits cannot always be quantified or operationalized into monetary values (Dorfman, 1965). Second, benefits and costs do not always occur simultaneously, that is, they may not be commensurable at the time of accounting (Rossi and Wright, 1977).

METHODOLOGY

There is broad agreement among evaluation researchers that the randomized, controlled experiment is the ideal model for gauging effectiveness, even though field experimentation in practice is not entirely free from technical problems (Pryor *et al.*, 1978). All departures from this design are increasingly subject to various threats to internal and external validity (Campbell and Stanley, 1966; Cook and Campbell, 1975).

Such experiments are particularly appropriate for evaluating prospective programs. However, programs that are already operating or even completed constitute the majority of evaluation opportunities, and these cannot be studied experimentally. For this reason, a great deal of attention is currently being given to quasi-experimental designs, that is, designs which utilize a nonrandom control group (Campbell and Stanley, 1966; Wolfe, 1973; Rossi and Wright, 1977). The most common examples of these include cross-sectional studies, multivariate statistical models, before-and-after studies, and time-series analyses. The particular advantage of the time-series for training evalua-

tion is that it can help distinguish among immediate changes (those evident during training), intermediate changes (those which persist into the early transfer setting), and long-term changes (Ghiselli, 1956; Cook and Campbell, 1975).

The weakest designs are generally taken to be *post hoc* studies which involve one group's being surveyed after receiving a program and producing, by recall, retrospective data on the variables of interest. Kerlinger (1964), however, while acknowledging the definite limitations of *ex post facto* research, nevertheless propounds the great significance that such designs have had and do have in the most important social scientific studies. A major proviso for their effective use is that they test at least one null and one positive hypothesis. Relatedly, Campbell (1975) has argued that systematic attempts to utilize the (*post hoc*) case study as a valid evaluation tool have been negligible, particularly in comparison with its prevalence—and potential—as a genre for social science observations.

PITFALLS AND CONSTRAINTS IN TRAINING EVALUATION

Several inevitable hazards confront the researcher in complex instructional programs, hazards which must be identified, taken into account, and, where possible, circumvented.

Unlike the researcher in a conventional setting, the evaluator may have to forego considerable control over the specification of the problem, the variables to be evaluated in the study, and the sample to be used. Thus, competing variables and side effects constitute a critical problem for evaluation research in general.

Insofar as a program is unavoidably altered and perturbed by the very act of measurement (Newman, 1956; Zurcher, 1970; Angrist, 1975), it is difficult for evaluators to know whether or not they are assessing the right variables. The problem is compounded in that centering on a single outcome variable obscures the multiple levels of occurring events as well as the potential for several kinds of impact (Deutscher, 1973), and attempting to assess too great a diversity of dependent and independent variables prohibits conclusions (cf., Argyris and Schon, 1974). Thus, a dilemma in evaluation research is not the lack of effects (cf., Scriven, 1972) so much as the rarity of intended, expected, or measurable effects (Fitzpatrick, 1970). This issue is to specify what the changes are, how much change occurs, and whether the changes were anticipated (Angrist, 1975).

A second problematic area involves the contingencies or external influences which impact upon most evaluatory efforts. Extraneous events of all kinds may minimize, obscure, or upset a program's natural evolution. Programs are not closed systems; they cannot completely control which outside forces will impinge on them or what they can do about those forces. There is, in other words, an interaction between the program and its environment, and the source of many training problems may lie outside the formal parameters of the program itself. Even experimental designs cannot avoid the consequences of, for example, political maneuvering, especially when longer-term programs are evaluated and there is more opportunity for interest groups to mobilize (Weiss, 1972b; Meyers, 1975).

A third and related area of constraint for evaluators has to do with duration. The time frames for both instructional programs and their evaluation are frequently too short due to the urge for quick answers, pressures to make informed decisions, and the danger of waning interest and financial support. Long-term assessment, especially experimentation, is expensive and difficult to set in motion. It is perhaps for this reason, as Angrist (1975) suggests, that social scientists have seldom studied the precise relationship between the duration of events and their impact on participants.

CONCLUSION AND IMPLICATIONS FOR COURTS TRAINING EVALUATION

The evaluation of training is a complex affair. It is a multi-level enterprise that is not likely to yield dichotomous value/no-value answers (Goldstein, 1974) or generalizable results (Kirkpatrick, 1959). Nor can it afford to base its methodologies on a unitary, undifferentiated concept of change that is both inappropriate and misleading (Golembiewski, Billingsley, and Yaeger, 1976). It is for these reasons that current evaluation theory (e.g., Wholey *et al.*, 1970; Rossi and Williams, 1972) is moving us away from either-or choices, such as adhering only to descriptive studies (as, for example, Weiss and Rein, 1972) on the one hand, or on the other, conducting only true experiments (as, for example, Suchman, 1967).

These polarizing choices must be superseded by the utilization of convergent measures of change. Approaches integrating the qualitative and the quantitative are called for (Dunn and Swierczek, 1977), as is a reduction of the gap between learning theory and application. Combinations of methodologies which can evaluate long-term, summative effects as well as ongoing, adaptive change need to be developed (Angrist, 1975). Instrumentation which is sensitive to individual variations among respondents must be explored (Golembiewski and Muzenrider, 1975). Alternative models must be developed and tested in a variety of training settings over time, and relationships must be established among behaviors, instructional media, learning categories, and learning conditions (Goldstein, 1974; Carroll *et al.*, 1972). The issue of criteria selection is problematic in the extreme. Any progress toward a solution will be the result of persistent efforts to develop thorough needs assessment and task analysis procedures on which multi-level behavioral objectives can be established and reliably measured (Campbell, 1971; Morano, 1975).

Evaluation researchers are too often called in after a program has been implemented, or worse, after the program has ended. This precludes utilization of the most powerful research designs (Rossi and Wright, 1977). As Goodacre (1957: 535) long ago noted, "The design for the experimental evaluation, including criteria, controls, and statistics, should be developed as an integral part of the training program, not as an afterthought." It is probable that built-in evaluations would become more common if trainers and training directors were more involved and knowledgeable in the technical aspects of evaluation, rather than leaving the function entirely to imported expertise (Wolfe, 1973).

Finally, more attention should be given to the issue of reading audiences. Reporting modes must be developed where evaluations can be presented in forms that directly address the requirements of sponsors and decision makers, and yet still contribute to the general state of the art.

In sum, a voluminous literature exists in the areas of training and evaluation. The list of citations upon which the present discussion draws is not meant to be exhaustive. However, it is meant to reflect the major factors involved in the training-evaluation enterprise.

In light of these factors, the LEAA-sponsored Evaluation of the Courts Training Project must:

- *Attend to multiple outcomes, e.g., quantitative measures, attitudinal changes, and systemic effects.*
- *Analyze various outcomes in the context of different training activities and philosophies.*
- *Establish process criteria against which training components can be measured.*
- *Draw upon outcome measures formulated by the training institutes themselves, the evaluation team, and policy makers in the area of criminal justice.*
- *Establish a "turnkey" evaluation system for the Courts Training Project and LEAA which will enable them to perform an ongoing evaluation of these activities.*
- *Attend to the variety of reading audiences—sponsors, training institutes, court systems, and other researchers—most concerned with the project's results.*

COURTS TRAINING: A NARRATIVE EVALUATION AND METHODOLOGY

In a period of growing fiscal constraint and Congressional ambivalence concerning LEAA's programs, evaluation methodology has become increasingly important to LEAA. The movement toward planning, programming and budgeting evaluation systems in public fiscal administration had given rise to a climate of opinion which sought more accountability. Government-financed programs were compelled to articulate broad based goals and to substantiate their progress by quantifiable objectives. Increasingly, LEAA programs were criticized for the absence of quantifiable objectives and hence the so-called weakness in their evaluations. The avoidance of quantifiable objectives may not have been a complete accident in some cases; attorneys and judges have frequently articulated their feeling that an empirical model for the administration of justice implied in quantifiable objectives was antithetical to a system which was founded upon doing "justice in individual cases." LEAA has been employing experts for evaluations of process and program, while developing more sophisticated tools to design new programs and to address the more complex problem of impact.

From its inception the Courts Training Project of the Adjudication Division of LEAA has conducted periodic evaluations of the programs they have sponsored.

A 1972 evaluation looked at the American Academy of Judicial Education, the Institute for Court Management, the Institute of Judicial Administration, the National College of Juvenile Justice, the National College of the State Judiciary and the ABA Traffic Court program. The work was based on unstructured interviews, examination of written reports and a reading of published materials. Expert reviewer opinion added to the "Delphi effect," i.e., using a number of such experts or peers to evaluate a program. There was a general lack of quantified data. The conclusions were broad.

A team of three experts, B.F. George, Jr., Donald Webber, and Joseph L. Carr, conducted an evaluation of the National College of District Attorneys in 1974-75. This was a somewhat more structured approach to process evaluation. An effort was made to observe both the residential and nonresidential programs of the College. In general, while training was observed, the summative aspects of the training do not appear to have been documented.

In 1975 Stanley J. Heginbotham of the National Center for State Courts conducted 80 interviews with past participants of six national training institutions in an effort to ascertain the impact of training. The evaluation addressed itself to recent behavior changes which the participants attributed to training as well as to the process of training itself. The respondents were able to furnish linkages between training and later behavior. Heginbotham, in his summary, was able to provide a number of highly insightful, intuitive conclusions.

In the following year, Heginbotham and Jill A. Friedman conducted a series of open-ended interviews with fourteen graduates of the Institute for Court Management. This study reached very positive conclusions but it studied a small population and its insights were based on subjective materials.

As can be seen from the above, the evaluation efforts of the Courts Training Program were open to criticism by "hard data" methodologists who, simultaneously with the years of LEAA's existence, have been refining evaluative research methods. Criticism of LEAA's evaluation efforts tended to underscore several problems: failure to implant evaluation components at the start of the program, failure to develop a defensible design for measuring process and impact, and weakness in the gathering of quantifiable data.

FAILURE TO IMPLANT EVALUATION COMPONENTS

Programs were *implemented* without building in an evaluation component. Had such built-in components been implemented, it would have been possible to build in controls, to carefully select populations, to study the participants before and after attending, and to make pre- and post-attendance analyses of the institution from which they came in order to assess impact. All post-hoc evaluations suffer as a result of this failure.

WEAKNESSES IN DATA GATHERING¹

Evaluations relied excessively upon data-gathering methodologies which, when taken as part of a *cluster* of *reinforcing* approaches, had merit, but when used as a sole data-gathering approach, tended to be weak and subject to question.

Excessive reliance was placed upon expert opinion. While this had the advantage of placing the seal of approval of a well-known authority upon a program and thereby legitimizing it, it was difficult, if not impossible, to control for bias, for self-serving purposes or for simple error. Subjectivity was an ever-present element in such "evaluations," and only by use of the "Delphi technique" could a balance be achieved. However, even with the use of this technique, there was an inevitability of bias, or even a face-saving compromise by the "experts."

There was a tendency to make use of interviews with participants and especially program personnel, but this data-gathering technique suffered from some of the flaws that existed with the use of experts, especially the problem of the intrusion of the interviewer's biases, feelings, attitudes and motivations. Nevertheless, it should be noted that interviewing, which also had the flaws of high cost and a limited number of contacts per interviewer, had singular advantages. The skilled interviewer was able to probe; he could go into questions in-depth, and as a result remove the many ambiguities.

¹For an interesting discussion closely related to what follows, see ABT Associates, Inc., *Exemplary Project Validation Report*, Project Candidate: Center for Judicial Education and Research, submitted to the U.S. Department of Justice, LEAA, Washington, D.C., July 1977, pp. 14-18.

Few educational programs sponsored by the LEAA failed to utilize the participant questionnaire. Participants were asked to evaluate segments of a total program, or the program as a whole, frequently on a 5-point scale. Programs were rated for content, faculty performance and specific exercises. Participants were asked to make evaluations of the program in terms of expectation and fulfillment. The result of their "user-satisfaction" questionnaires, sometimes called "happy sheets," was submitted to the LEAA as an evaluation of program performance, or "process evaluation."

Such questionnaires were given to the participants in lieu of formal tests which would have permitted the school and the LEAA to ascertain the amount of direct or relevant knowledge obtained during the program. Testing for knowledge was avoided because it tended to place the participants in a position in which they felt jeopardized; judges, attorneys and others felt that test scores could be regarded as "confidential" or "privileged" information, which could be subject to misuse. Court administrators and clerks were reluctant to have test scores of difficult substantive courses sent to presiding judges to the disadvantage of their job security. Testing was therefore eliminated and questionnaires were used as a substitute.

However, questionnaires were obviously flawed. They frequently studied the wrong thing. They tended to illuminate the morale of the group. They sometimes tended to show that a warm "old boy" network had developed between graduates, which in itself might have proven a worthwhile outcome to measure as was the comradery between faculty and students. However, it rarely reflected what the participants had learned, or what the actual outcome of the training would have on motivation or behavior. It prevented LEAA from securing a base line of data which could be used in comparing participants with a control group of nonparticipants to see how the participants fared in terms of knowledge against a group that had not attended the program.

BURRIS' EVALUATION OF NITA—A TRANSITION

A major exception found within the Courts Training Program, at least from the point of view of evaluation methodology, was the National Institute for Trial Advocacy, which is concerned with the development of courtroom skills for criminal prosecutors and defenders as well as civil attorneys. This institution has been employing a professional evaluator, Dr. Russell Burris of the University of Minnesota, to make evaluations of its sessions. Burris' work was not only designed to study "user satisfaction" through questionnaires of participants, but he has also evaluated participants' self-evaluation of strengths and weaknesses prior to, during, and at the end of the residential program. Faculty are asked to evaluate students and students evaluate faculty. In addition, Burris' study has also attempted to ascertain impact: after leaving the program there is a follow-up study conducted (10 months) later with references who are asked to report changes in the skills of participants. In a recent article ("Countdown on Competency," *Learning and the Law*, Summer, 1976, page 13), Burris has given indicators of what he is attempting to evaluate. He is concerned that the faculty, consisting of law professors, judges and experienced lawyers agree in their ratings on 22

factors of knowledge and skill, under the broad categories of "Astuteness, Overall Strategy and Sensitivity, Performance Style and Skill and Legal Knowledge." Burris' approach remains to be evaluated by the LEAA Courts Training Impact Project but it seems that, in general, his effort to develop a consensus among senior practitioners to develop performance indicators for practicing attorneys is a necessary step in the development of such a training program.

DESIGN AND IMPLANTATION

While other methodologically questionable evaluations of training programs were being conducted, the LEAA itself has not been indifferent to the need for a more rigorous approach to evaluation methodology. This concern has been exhibited by the National Institute of Law Enforcement and Criminal Justice in its publication of bibliographies, prescriptive packages, models, and guidelines designed for criminal justice professionals, program managers, researchers, evaluators, and SPA personnel in an effort to quantify the evaluation components of national and state LEAA-funded programs. It has funded purely methodological undertakings designed to enhance the state of the art in evaluation. While space does not permit the chronological citation of works in this effort, a few of the most recent, or most significant of these efforts will be discussed.

EVALUATION FOR PROGRAM MANAGERS

The LEAA has produced a number of studies that can be helpful to managers interested in developing evaluation components for their programs. Some require little or no background in statistics. One of the simplest is by Jack Reynolds, *Management-Oriented Corrections Evaluations Guidelines*. The work discusses selecting the topic, developing the evaluation plan, and conducting and managing the evaluation. Each of these phases has detailed steps which should be followed. Simple diagrams illustrate this step-by-step approach, and worksheets are provided for each of the major tasks to be performed. Addressed to program managers, the work is a "how-to" manual which is designed to be used as a text for a workshop, yet its logic and simplicity are such that it does not need an instructor. It can easily be used to provide guidance through the evaluation process.

Directly pertinent to the Courts Training Project Impact Study, the study draft of ABT Associates, Inc., *Criminal Justice Training: Assessment and Evaluation*, focuses on the development of a defensible research design. From the beginning, it tries to make the reader aware of a need for data sources that are quantifiable; it emphasizes that neither a defensible design or even quantifiable data are possible without clearly formulated goals and objectives. It sees the evaluator constraining the manager to greater clarity of thought in the articulation of his program's goals and objectives. The

report also assesses the variety of data sources: questionnaires, participant observation, as well as the strengths and limitations of testing. Finally, it provides strong recommendations on the management of evaluation projects.

Little statistical knowledge is needed for process evaluations but statistical sophistication is useful for impact studies. The gaps in the manager's knowledge is remedied by some useful definitions of statistical measures and discussion of the validity and usage of some statistical techniques.

The discussion of process evaluation provides useful information which training administrators should incorporate into programs at the outset to "build in" an evaluation component rather than superimpose an evaluation design. The discussion reviews assessment of need, goals and objectives, organization and administration, content and delivery, and costs. The points made are very specific and easy to follow, both for evaluators and managers. Model evaluation instruments such as course content assessment, checklists to evaluate organization, as well as checklists for the administration of training are included along with worksheets to organize the observation of training sessions.

The follow-up discussion, which deals with the conduct of an impact study seems to lack the effectiveness of the discussion of process evaluation. The fault may lie with the increased complexity of the subject and the need for more sophisticated instruments inherent in an impact evaluation. The study is aware of the general difficulties inherent in evaluations in the criminal justice system. When a gulf in time and space exists between the training and the behavior of the participant, the ultimate impact of a judge's pattern of sentencing upon the behavior of the criminal is difficult to demonstrate in a short-term study of impact.

The ABT Report discusses the categories of research design in terms of their "doability" and their reliability for impact evaluation. It reviews design packages which can be instituted for true experimental evaluations. It recommends the use of Time-Series Designs (which test before and after training) and Successive Group Design (which compares the performance of several groups of trainees who participate in the same training program). What determines design choice? The nature of the program and its complexity. Other factors determining design are the availability of control groups, and the ability to randomize between participants and controls. If job performance is to be measured, they suggest that a time series approach may be the minimally acceptable research design.

Somewhat less useful, but raising interesting questions for evaluators, is Douglas K. Stewart's, *Evaluation for Criminal Justice Agencies: Problem-Oriented Discussion*. This work discusses typical problems associated with the design and execution of evaluations: the need to alter the design in the face of the lack of data; problems the evaluator faces when the program being evaluated is changed, either in staff, operating philosophy, and/or goals; and the problem of program goals and objectives being articulated by program personnel. There are useful checklists designed to help overcome those pitfalls. They allow the evaluator to make allowances for charismatic leadership (and its loss), for the problems of cross-cultural differences which impede

replicability, for crisis or lack of crises and their impact on motivation. The evaluator is cautioned to avoid excessive modesty for seemingly inadequate methodology. All evaluations can teach something to policymakers.

DATA SOURCES

AND PERFORMANCE INDICATORS

Literature which offers suggestive leads to court researchers concerned with roles, performance indicators, and data sources has emerged under LEAA's aegis. Smith, Pehlke and Weller, *Role Performance and the Criminal Justice System*, Vol. II, and *Detailed Performance Objectives*, Vol. III, (Project STAR), discuss the roles of prosecuting attorneys, defense attorneys and caseworkers. Its descriptions detail roles and tasks performed. Many of the indicators are quantifiable. The work represents a consensus which emerged from questioning 3,800 representative operational criminal justice personnel in four states. Especially useful are the performance indicators in the difficult area of attorney performance assessment. It provides a counterpart to the more recent efforts of Russell Burris noted above. Unfortunately, Project STAR elected not to study the performance of judges and this creates a gap which is only partially filled by other works such as Wilkins, Kress, Gottfredson, Caplin and Gelman, *Sentencing Guidelines: Structuring Judicial Discretion*. Vagaries in sentencing, more than any other aspect of the practices of trial judges, have placed the bench in dispute. While this study attempts to provide a national approach to sentencing, more valuable to the courts evaluator are its insights into data gathering. There are useful guidelines to the evaluator who would like to obtain corroborative data from the court records.

Probably one of the most complete investigations of court data availability was conducted by Sorrel Wildhorn, Marvin Lavin and Anthony Pascal, *Indicators of Justice: Measuring the Performance of Prosecution, Defense, and Court Agencies Involved in Felony Proceedings* (Rand Study). This work is divided into two volumes, one designed for practitioners, the other for scholars and professional evaluators. Its objectives were "to identify, screen, and evaluate sets of statistical performance measures as indices of progress" and "to demonstrate the applicability of these performance measures in two selected (county) jurisdictions." The study deals with such meaningful issue areas as charging standards, accuracy of charging, plea bargaining, sentence variation, evenhandedness, delay, efficiency, and the attitudes of lay participants in the courts. It alerts researchers to the problems and expense of locating data elements in the courts' records and cautions against the over-optimism that researchers (and evaluators) may have regarding the availability of data. So cautioned, experienced researchers will attempt to obtain the same data elements as the Rand Study for impact research, but will hedge against the unavailability of data, or expense of court record research by the exploration of alternative data, and not rely exclusively on court records.

This brief review has attempted to give the reader some insights into the literature involved with evaluating court-related training projects developed by the LEAA.

It has spotlighted some of the projects and publications that bear particularly upon the impact project at hand. The full dimensions of the LEAA's evaluation efforts can be ascertained only by a perusal of the bibliographies which it has published. Some of the more useful ones are listed.

IMPLICATION FOR COURTS

TRAINING IMPACT EVALUATION PROJECT

The development of a tripartite process has been noted: the Adjudication Division, as well as other parts of the LEAA, has been employing a methodologically weak and questionable approach to evaluations and, in particular, this was noted with LEAA's Courts Training Project. At the same time, in line with the enhanced national consciousness for accountability and with criticism of their methodology, the LEAA has been publishing a number of guides and studies designed to assist managers and evaluators to design methodologically sound evaluations. In the courts area, the difficulties of research have called forth LEAA-funded studies into data sources, roles and court research.

In line with the above, the LEAA-sponsored Evaluation of Court Training Project has:

- *Taken into consideration the suggestions for process evaluation and impact evaluation designs suggested by such studies as the ABT report.*
- *Made use of the Rand Report as a possible springboard from applied court research to Court Program evaluation.*
- *Been aware of the problems associated with the differences in court records and the unavailability of data highlighted by Stewart.*
- *Assisted the LEAA in the design of a system of evaluation which would be applicable for future evaluations of the Courts Training Project.*

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